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ABSTRACT

A draft model for day care licensing, developed as a part of a three phase national study of day care licensing and sponsored jointly by two federal agencies, is presented. The objectives of the project are: (1) Determine the status of licensing in the various states and the extent to which the licensing process might be a deterrent to future expansion of day care facilities; (2) Develop model statutes, codes, regulations and administrative procedures for possible future adoption by state and local government; and (3) Present the models to national and regional conferences and local officials in such a way as to clarify the benefits and encourage their adoption by state and local governments. In Phase II, six task forces, comprised of experts from many disciplines involved in day care licensing, met for a week and produced a set of coordinated models for day care licensing. The six models which emerged cover the following areas: legislation, zoning, fire safety and codes, health and sanitation, administration, and staffing and program requirements. These models are intended to be a basic framework for licensing day care facilities and are designed to improve the licensing process through a cohesive approach to reform of state and local care licensing. (Author/CK)

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MODELS FOR DAY CARE LICENSING
(Draft)

PREFACE

This draft model for day care licensing was developed as a part of a three phase national study of day care licensing sponsored jointly by the Office of Child Development and the Office of Economic Opportunity with CONSERCO as the project consultant.

The Principal objectives of the overall day care licensing project are:

Phase I: Determine the status of licensing in the various states and the extent to which the licensing process might be a deterrent to future expansion of day care facilities.

Phase II: Develop model statutes, codes, regulations and administrative procedures for possible future adoption by state and local government. The models should capitalize on the strengths found in existing licensing programs, they should be sufficiently realistic to gain wide-spread acceptance, and they should be enforceable.

Phase III: Present the models to national and regional conferences and local officials in such a way as to clarify the benefits and encourage their adoption by state and local governments.

In Phase II, six task forces, comprised of experts from many disciplines involved in day care licensing, met together for a week at Winter Park, Colorado to consider the results of the Phase I survey and to produce a set of coordinated models for day care licensing. The six models which emerged cover the following areas:

1. Legislation
2. Zoning
3. Fire Safety and Codes
4. Health and Sanitation
5. Administration
6. Staffing and Program Requirements

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These six models, when complete, will present a basic framework for licensing day care facilities. Developed from a realistic assessment of present problems in day care licensing, and in anticipation of a rapid expansion of the demand for day care services, the models are designed to improve the licensing process through a cohesive approach to reform of state and local care licensing.

The provisions of the completed model are to be considered to be both reasonable and enforceable. It is designed for the administrative establishment of regulations for day care licensing which will provide a <u>minimum</u> floor of protection for the child in care, whether in a family day care home, a group day care home, or a day care center, reflecting the concern that no one child is worth less than another.

GLOSSARY OF TERMS

ADVISORY COMMITTEE ON DAY CARE LICENSING:

This committee is composed of parents of children in day care, operators of licensed day care facilities, and professionals in the field of child development, health, and fire safety and should be established at the state agency level.

AGE-PEER GROUPING:

Grouping children in a day care facility by age levels. This philosophy is a translation downward of traditional public school grouping and a holdover from the 1920 nursery school movements.

COMBUSTION PRODUCT DETECTOR:

A relatively small, inexpensive device which provides an early warning in case of fire.

COMPREHENSIVE PLANNING FOR DAY CARE:

"Comprehensive" planning for day care means consideration of the needs of dysfunctional as well as normal children, and children from infancy through age 14; consideration of all available funding sources, and other community services related to day care, including programs for teen-agers through age 17; operation of programs by a variety of sponsors, public and proprietary; and location use of a variety of physical facilities.

The implementation of the comprehensive urban planning aspects of day care, as with other community facilities, will occur chiefly through zoning.

CROSS AGE GROUPING:

A vertical mix of children of different ages in the same group of children in a day care facility.

DAY CARE CENTER:

A specifically designated day care facility which may be in a converted private dwelling, a settlement house, a school, a church, a public housing complex, or in a specifically constructed building. A day care center is usually staffed with a variety of people, depending upon the size of the center and the services provided. Day care centers serve more than 12 children.

DAY CARE FACILITY:

A day care facility may have as few as one child or may include several hundred. They include child care in one- and two-family dwellings, apartments (including high rise), as well as structures remodeled or built entirely for day care use. Facilities with accommodations for sleeping during some part of the day or night are also included.

DAY CARE PROGRAM MANAGERS:

Day care program managers for health and sanitation and for fire and building safety have the responsiblity for the establishment of regulations and collaborative planning for meeting of health and sanitation or fire and building safety licensing functions for day care centers and homes within the state.

DROP-IN CARE

Short term day care provided on a transient basis. Drop-in care may be provided on a casual basis in family day care homes, group day care homes, or day care centers, or in special facilities for drop-in care such as college child care centers, or in conjunction with shopping centers, bowling alleys or other recreational facilities.

FAMILY DAY CARE HOME:

The private home of a person who takes care of children. Such care may be provided by a relative, friend, neighbor, or someone who provides care for children as a business. Family day care homes care for 1-6 children, with no more than two children under 2 years of age.

FAMILY DAY CARE SYSTEM:

A family day care system is a number of family day care homes which operate as part of an organized system with the autonomy and accountability lodged in the central administrative corporation offering on-going training and supervision, a career ladder for family day care mothers, a focal point for parents to become involved in the system, and shared group activities for children on occasion.

GROUP DAY CARE HOME:

An extended or modified family residence usually having a section of the residence especially reserved for day care activities. One or several employees working under the direction of the principle caregiver assist in the day care activities. Group day care homes are limited to the care of 7-12 children.

HANDICAPPED CHILD:

Includes blind, deaf, mentally retarded, emotionally disturbed, orthopedically or otherwise chronically handicapped children.

HEALTH AUTHORITY:

The health agency (local, state or regional) that is empowered by law to set up regulations or to initiate programs that protect the public health.

HEALTH DELIVERY SYSTEM:

The system of using health-trained personnel in a community to provide preventive, diagnostic, and therapeutic care to the individuals in that community.

INFANT:

From a medical and statistical standpoint, an infant is defined as a child under 12 months of age. From a practical standpoint in a day care setting, it would seem more appropriate to define an infant as a child who is not yet walking alone in an upright position. This would give an age range for the end of infancy and the beginning of "toddlerhood" from 8 months to 18 months of age, with the median around 13 months.

LICENSING REPRESENTATIVE:

The day care home/center licensing representative provides licensing, consultation and training services to day care parents/centers within a specific geographic area of the state.

LICENSING TEAM:

Consists of the day care licensing representative, fire safety and health safety representatives, and the zoning representative in a specific area.

MODULAR HOUSING (FACTORY BUILT HOUSING):

Modular housing, or industrialized building units are state approved factory built structures, which meet particular building, electrical, plumbing, etc., codes specified in the state law. Approved factory built units do not have to meet the differing local building codes in force around a state, but can be erected anywhere in the state that zoning will allow.

PARENTAL RIGHTS:

This describes the custom in the United States, often protected by law, that parents have the final authority to make decisions about their children.

PROGRAM:

The comprehensive and coordinated sets of activities providing for care, protection, and development of children on a regular basis during any portion of a 24-hour day.

REGISTRY OF CONSULTANTS:

Provides for identification of talents available in the state and also provides some assurance as to the proven quality of expertise available. Knowledge by operators that only the names of those consultants who have demonstrated interest and skills are maintained on the Registry will engender confidence in referrals.

REGULATIONS:

The minimum protective level on the basis of which a license is granted. Such regulations describe the minimum performance required or expected of a day care facility.

STAFF SPECIALIST:

The state licensing authority shall have on its staff a specialist trained in the fundamentals of fire protection and safety. The prime function of this individual is to develop a program whereby the resources of legally established fire protection and other agencies should be utilized in the approval of plans for child day care facilities and for the periodic inspection thereof.

TODDLER:

Children who are walking alone, but are not yet capable of exerting "judgment" about their own actions - and would include all children from the age of first walking to about 24-30 months.

ZONING REGULATIONS:

Zoning regulations are made possible by enabling legislation in each state. A local zoning ordinance designates zones, districts, or areas of the community for different types of land use activities, based on the community's comprehensive development plan. Through the enforcement tool of zoning, such matters as population density, availability of open space, the size and bulk of lots and buildings and their relationship to each other, the availability of parking, and the compatability of land use can be established and regulated by the local community. With regard to day care facilities, zoning may be viewed as a positive regulatory instrument to protect the interests of both the community and the children being served.

A MODEL DAY CARE FACILITY LICENSING STATUTE

Developed as Part of an Overall
Day Care Licensing Study
Under the Direction of Sam J. Granato,
Chief, Day Care Office, Office of Child Development

TASK FORCE CHAIRMAN:

Dean Monrad G. Paulsen, University of Virginia Law School

TASK FORCE MEMBERS:

Miss D. Carolyn Busch, Texas State Department of Public Welfare
The Honorable Mervyn Dymally, California State Senate
Mr. Dwight A. Hamilton, National Conference of Commissioners
on Uniform State Laws
Miss Edna Hughes, Office of Child Development
Mr. Claude Kinard, III, Office of Economic Opportunity
Mr. William L. H. Pierce, Child Welfare League of America
Mr. Nathan Spiller,
Professor Walter Wadlington, University of Virginia Law School

OCD Project Manager - Mrs. Dollie Lynch
OEO Project Manager - Mr. Claude Kinard, III

Project Consultant - CONSERCO, Seattle, Washington

A MODEL DAY CARE FACILITY LICENSING STATUTE

PURPOSE: THIS ACT AUTHORIZES THE LICENSING OF DAY CARE FACILITIES WHICH RECEIVE CHILDREN FOR THE PURPOSES OF CARE, MAINTENANCE AND SUPERVISION OUT OF THEIR OWN HOMES FOR PERIODS OF TIME EACH WEEK. LICENSES ARE AUTHORIZED IF ESTABLISHED RULES AND REGULATIONS ARE MET. PENALTIES ARE PROVIDED IF DAY CARE FACILITIES ARE OPERATED WITHOUT LICENSES. THE PURPOSE OF LICENSING IS TO REGULATE DAY CARE FACILITIES SO AS TO ASSURE CARE, MAINTENANCE AND SUPERVISION FOR CHILDREN WHICH ARE BENEFICIAL TO THEIR HEALTH, SAFETY, AND WELFARE.

SECTION 1. THIS ACT SHALL BE ENTITLED THE CHILD DAY CARE FACILITY LICENSING ACT.

> The statute is addressed to day care and not to the licensing of other child care or child placement facilities. It is obvious that some legislatures would wish to include other-licensing tasks in a single statute.

SECTION 2.

<u>DEFINITIONS</u>

A. A DAY CARE FACILITY IS A "FAMILY DAY CARE HOME" OR A "DAY CARE CENTER" WHICH RECEIVES CHILDREN FOR CARE, MAINTENANCE AND SUPERVISION FOR PERIODS OF LESS THAN TWENTY-FOUR HOURS UNATTENDED BY A PARENT OR GUARDIAN. FACILITIES OPERATED TO CARE FOR CHILDREN DURING SHORT PERIODS OF TIME WHILE PARENTS OR PERSONS IN CHARGE OF SUCH CHILDREN ARE ATTENDING RELIGIOUS SERVICES ARE NOT DAY CARE FACILITIES.

B. A "FAMILY DAY CARE HOME" IS A PRIVATE RESIDENCE WHICH RECEIVES ONE OR MORE BUT FEWER THAN SEVEN CHILDREN. THE MAXIMUM NUMBER OF CHILDREN TO BE RECEIVED SHALL BE REDUCED BY THE NUMBER OF CHILDREN NORMALLY RESIDING IN THE HOME.

C. A "GROUP DAY CARE HOME" IS A PRIVATE RESIDENCE WHICH RECEIVES SEVEN THROUGH TWELVE CHILDREN. THE MAXIMUM NUMBER OF CHILDREN TO BE RECEIVED SHALL BE REDUCED BY THE NUMBER OF CHILDREN NORMALLY RESIDING IN THE HOME.

D. A "DAY CARE CENTER" IS
(A) A PLACE WHICH RECEIVES CHILDREN IN A SETTING OTHER THAN A PRIVATE RESIDENCE, OR
(B) A PLACE WHICH RECEIVES MORE THAN TWELVE CHILDREN.

E. "CHILD" REFERS TO A PERSON WHO HAS NOT REACHED HIS FIFTEENTH BIRTHDAY.

F. "DEPARTMENT" MEANS [THE DEPARTMENT OF PUBLIC WELFARE] [THE APPROPRIATE STATE AGENCY DESIGNATED TO LICENSE AND REGULATE DAY CARE FACILITIES].

G. A "REGULAR LICENSE" IS A LICENSE ISSUED TO AN OPERATOR OF A DAY CARE FACILITY AUTHORIZING THE LICENSEE TO OPERATE IN ACCORDANCE WITH THE PROVISIONS OF THE LICENSE, THIS ACT AND THE RULES AND REGULATIONS OF THE DEPARTMENT.

H. A "PROVISIONAL LICENSE" IS A LICENSE ISSUED TO AN OPERATOR OF A NEW DAY CARE FACILITY AUTHORIZING THE LICENSEE TO BEGIN OPERATIONS ALTHOUGH THE LICENSEE IS TEMPORARILY UNABLE TO CONFORM TO ALL OF THE RULES AND REGULATIONS OF THE DEPARTMENT.

I. THE TERM "GUARDIAN" REFERS TO THE GUARDIAN OF THE PERSON OF A CHILD.

J. THE TERM "RELATED" MEANS ANY OF THE FOLLOWING RELATIONSHIPS BY MARRIAGE, BLOOD OR ADOPTION: PARENT, GRANDPARENT, BROTHER, SISTER, STEP-PARENT, STEP-SISTER, STEP-BROTHER, UNCLE, AUNT.

It should be clear that the definition of "Day Care Facility" does not encompass, and is not intended to encompass, recognized or licensed educational facilities in the carrying out of educational functions, hospitals in the provision of medical services or hospital care, nor convalescent homes in the provision of the services or carrying out of the functions for which primarily organized. It is recognized, however, that a day care facility, subject to licensing, might be operated in connection with these kinds of institutions.

No attempt is made to regulate "in-home" care of children where parents bring a person into the house to care for children during the parents' absence.

Discrimination is made between a family day care home, a group day care home, and a day care center because it is likely that different rules and regulations will be developed for differing numbers of children. For example, four children may be cared for in a private home, while eight would probably require some modification of the home, and fifteen require a very different kind of housing. Thus, the problems of the zoning laws may be quite different. Staff requirements are likely to differ as well, to say nothing of health and program standards.

The numbers chosen are obviously arbitrary (within narrow limits).

In brackets the text places responsibility for the granting of licenses on the Public Welfare Department in recognition of the fact that the licensing function is most frequently carried on by that department. However, the licensing function should be carried by a state agency which has a major interest and responsibility for comprehensive services to children and their families. The legislature in each state can best identify that agency.

It is not appropriate for day care facilities to be licensed by a state agency having responsibility for granting a wide variety of occupational, business and other licenses.

The text contemplates that a provisional license often would be issued when a facility begins operation. Many new day care facilities will not immediately meet all requirements. A provisional license will enable the facility to start. Further, it would give the license issuers time to inspect such a new facility in operation without clothing the operator with the full protection of a regular license.

SECTION 3. NO PERSON, CORPORATION, PARTNERSHIP, VOLUNTARY ASSOCIATION, OR OTHER ORGANIZATION MAY OPERATE A DAY CARE FACILITY UNLESS LICENSED TO DO SO BY THE DEPARTMENT. DAY CARE FACILITIES OPERATED BY THE STATE, OR BY A COUNTY, CITY, OR OTHER POLITICAL SUBDIVISION, NEED NOT BE LICENSED BUT MUST MEET THE SAME REQUIREMENTS FOR OPERATION AS LICENSED DAY CARE FACILITIES. THE DEPARTMENT SHALL PROVIDE VISITATION, CONSULTATION, AND INFORMATION SERVICES TO THESE FACILITIES. A FAMILY DAY CARE HOME OR A GROUP DAY CARE HOME IN WHICH ALL OF THE CHILDREN WHO ARE RECEIVED ARE RELATED TO THE PERSON OPERATING SUCH FACILITY NEED NOT BE LICENSED, ALTHOUGH THE EXISTENCE OF SUCH RELATIONSHIP SHALL NOT PRECLUDE ISSUANCE OF A LICENSE IF APPLICATION IS MADE FOR ONE.

[A FAMILY DAY CARE HOME OR A GROUP DAY CARE HOME IN WHICH ALL OF THE CHILDREN WHO ARE RECEIVED ARE PLACED BY A SINGLE NON-PROFIT LICENSED CHILD PLACEMENT AGENCY PURSUANT TO AN EXCLUSIVE CONTRACT BETWEEN THE HOME AND THE AGENCY NEED NOT BE LICENSED IF THE DIRECTOR IS SATISFIED, ON THE BASIS OF WRITTEN ASSURANCES BY THE AGENCY AND INVESTIGATIONS AND INSPECTIONS HE MAY CAUSE TO BE MADE, THAT THE AGENCY WILL ESTABLISH AND ENFORCE STANDARDS OF MAINTENANCE AND OPERATION OF THE HOMES WHICH MEET THE REQUIREMENTS FOR LICENSING UNDER THIS ACT AND THE RULES AND REGULATIONS OF THE DEPARTMENT. LICENSED NON-PROFIT CHILD PLACEMENT AGENCIES SHALL MAKE SUCH REPORTS CONCERNING THE PLACEMENT OF CHILDREN FOR DAY CARE HOMES WITH WHICH THEY HAVE EXCLUSIVE CONTRACTUAL RELATIONSHIPS AS THE DIRECTOR MAY REQUIRE.]

For states making, or which wish to make, a special exception for homes recruited by and affiliated with licensed non-profit child placement agencies it is suggested that the foregoing limited exception contained within the brackets should be included with the text.

APPLICATION FOR LICENSE SHALL BE MADE ON FORMS SUPPLIED BY THE DEPARTMENT AND IN THE MANNER IT PRESCRIBES.

BEFORE ISSUING A LICENSE THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT AND THE PROPOSED PLAN OF CARE, MAINTENANCE AND SUPERVISION FOR CHILDREN AND FOR OPERATING A DAY CARE FACILITY. IF THE RESULT OF THE INVESTIGATION SATISFIES THE DEPARTMENT THAT THE PROVISIONS OF THIS ACT AND THE APPLICABLE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT ARE SATISFIED, A REGULAR LICENSE SHALL BE ISSUED. IF THE RESULTS OF THE INVESTIGATION SATISFY THE DEPARTMENT THAT ALL OF THE APPLICABLE RULES AND REGULATIONS CANNOT BE MET IMMEDIATELY BUT CAN AND WILL BE MET WITHIN SIX MONTHS OR LESS, AND THE DEVIATIONS DO NOT THREATEN THE HEALTH OR SAFETY OF THE CHILDREN, THEN A PROVISIONAL LICENSE SHALL BE ISSUED FOR A PERIOD NOT TO EXCEED SIX MONTHS.

APPLICATION FOR LICENSE OR RENEWAL OF LICENSE OF DAY CARE CARE FACILITIES SHALL INCLUDE THE PAYMENT OF A NON-REFUNDABLE FEE ACCORDING TO THE FOLLOWING SCHEDULE:

A.	FAMILY DAY CARE HOME:	[$ 5.00]
B.	GROUP DAY CARE HOME:	[$10.00]
C.	DAY CARE CENTER:	[$25.00]

A small licensing fee is suggested, largely to reduce the number of applications which do not represent serious proposals.

SECTION 4. AN APPLICANT WHO HAS BEEN DENIED A LICENSE BY THE DEPARTMENT SHALL BE GIVEN PROMPT WRITTEN NOTICE THEREOF BY CERTIFIED OR REGISTERED MAIL TO THE ADDRESS SHOWN IN THE APPLICATION. THE NOTICE SHALL CONTAIN A STATEMENT OF THE REASONS FOR THE DENIAL AND SHALL INFORM THE APPLICANT THAT THERE IS A RIGHT TO APPEAL THE DECISION TO THE DIRECTOR OF THE DEPARTMENT IN WRITING WITHIN 30 DAYS AFTER THE

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MAILING OF NOTICE OF DENIAL. UPON RECEIVING A TIMELY WRITTEN APPEAL THE DIRECTOR SHALL GIVE THE APPLICANT REASONABLE NOTICE AND AN OPPORTUNITY FOR A PROMPT HEARING BEFORE A HEARING EXAMINER WITH RESPECT TO THE DENIAL OF THE APPLICATION. ON THE BASIS OF THE EVIDENCE ADDUCED AT THE HEARING, THE HEARING EXAMINER SHALL MAKE THE FINAL DECISION OF THE DEPARTMENT AS TO WHETHER THE APPLICATION SHALL BE GRANTED EITHER FOR A REGULAR OR A PROVISIONAL LICENSE OR DENIED.

SECTION 5.

A. THE DEPARTMENT SHALL HAVE POWER TO SUSPEND OR REVOKE A LICENSE IF A LICENSEE IS FOUND NOT TO COMPLY WITH THE RULES AND REGULATIONS OF THE DEPARTMENT RESPECTING DAY CARE FACILITIES.

B. A LICENSEE WHOSE LICENSE IS ABOUT TO BE SUSPENDED OR REVOKED SHALL BE GIVEN WRITTEN NOTICE BY CERTIFIED OR REGISTERED MAIL ADDRESSED TO THE LOCATION SHOWN ON THE LICENSE.

THE NOTICE SHALL CONTAIN A STATEMENT OF THE REASONS FOR THE PROPOSED ACTION AND SHALL INFORM THE LICENSEE THAT THERE IS A RIGHT TO APPEAL THE DECISION TO THE DIRECTOR OF THE DEPARTMENT IN WRITING WITHIN 10 DAYS AFTER THE MAILING OF THE NOTICE OF THE PROPOSED ACTION. UPON RECEIVING A TIMELY WRITTEN APPEAL THE DIRECTOR SHALL GIVE THE LICENSEE REASONABLE NOTICE AND AN OPPORTUNITY FOR A PROMPT HEARING BEFORE A HEARING EXAMINER WITH RESPECT TO THE PROPOSED ACTION. ON THE BASIS OF THE EVIDENCE ADDUCED AT THE HEARING, THE HEARING EXAMINER SHALL MAKE THE FINAL DECISION OF THE DEPARTMENT AS TO WHETHER THE LICENSE SHALL BE SUSPENDED OR REVOKED. IF NO TIMELY WRITTEN APPEAL IS MADE, THE LICENSE SHALL BE SUSPENDED OR REVOKED AS OF THE TERMINATION OF THE 10 DAY PERIOD.

PROVIDED, HOWEVER, THAT IF THE DIRECTOR FINDS THAT THE IMMEDIATE WELFARE OF THE CHILDREN SO REQUIRES HE SHALL ORDER THE IMMEDIATE SUSPENSION OF THE LICENSE. THE LICENSEE SHALL BE GIVEN WRITTEN NOTICE OF THE ORDER BY PERSONAL SERVICE OR BY CERTIFIED OR REGISTERED MAIL ADDRESSED TO THE LOCATION SHOWN ON THE LICENSE. THE NOTICE SHALL CONTAIN A STATEMENT OF THE REASONS FOR THE SUSPENSION AND SHALL INFORM THE LICENSEE THAT THERE IS A RIGHT TO PETITION THE DIRECTOR TO

RECONSIDER THE ORDER. THE PETITION SHALL BE IN WRITING AND SHALL BE MADE WITHIN 10 DAYS AFTER THE PERSONAL SERVICE OR THE MAILING OF THE ORDER. UPON RECEIVING A TIMELY WRITTEN PETITION THE DIRECTOR SHALL GIVE THE LICENSEE REASONABLE NOTICE AND AN OPPORTUNITY FOR A PROMPT HEARING BEFORE A HEARING EXAMINER WITH RESPECT TO THE ORDER OF SUSPENSION OF THE LICENSE. ON THE BASIS OF THE EVIDENCE ADDUCED AT THE HEARING, THE HEARING EXAMINER SHALL MAKE THE FINAL DECISION OF THE DEPARTMENT AS TO WHETHER THE ORDER OF SUSPENSION SHALL BE AFFIRMED OR REVERSED.

The text permits revocation after opportunity for a hearing. The hearing may follow suspension based on emergency conditions. It should be noted that Section 8 of the act provides for injunctive relief where serious harm to children is threatened.

C. AT ANY HEARING PROVIDED FOR BY THIS SECTION OR BY SECTION 4, THE APPLICANT OR LICENSEE MAY BE REPRESENTED BY COUNSEL, AND HAS THE RIGHT TO CALL, EXAMINE AND CROSS-EXAMINE WITNESSES. EVIDENCE MAY BE RECEIVED EVEN THOUGH INADMISSIBLE UNDER RULES OF EVIDENCE APPLICABLE TO COURT PROCEDURE. HEARING EXAMINER DECISIONS SHALL BE IN WRITING, SHALL CONTAIN FINDINGS OF FACT AND RULINGS OF LAW, AND SHALL BE MAILED TO THE PARTIES TO THE PROCEEDINGS BY CERTIFIED OR REGISTERED MAIL TO THEIR LAST KNOWN ADDRESSES AS MAY BE SHOWN IN THE APPLICATION, ON THE LICENSE, OR OTHERWISE.

The licensee is entitled to a trial-type hearing on the issue of suspension or revocation.

SECTION 6.

A. THE DEPARTMENT SHALL DEVELOP AND PROMULGATE RULES AND REGULATIONS FOR THE OPERATION AND MAINTENANCE OF DAY CARE FACILITIES, AND FOR THE GRANTING, SUSPENDING, AND REVOKING OF BOTH PROVISIONAL AND REGULAR LICENSES. IN DEVELOPING SUCH RULES AND REGULATIONS THE DEPARTMENT SHALL CONSULT WITH:

(1) OTHER APPROPRIATE STATE AGENCIES INCLUDING [THE STATE BOARD OF HEALTH AND THE STATE DEPARTMENT OF EDUCATION AND THE STATE FIRE MARSHAL]. THE AGENCIES CONSULTED ARE HEREBY DIRECTED TO COOPERATE WITH AND ASSIST THE

DEPARTMENT IN DEVELOPING APPROPRIATE RULES AND REGULATIONS FOR THE LICENSING OF DAY CARE FACILITIES.

(2) PARENTS OR GUARDIANS OF THOSE CHILDREN WHO USE THE SERVICE.

(3) THE CITIZENS' ADVISORY COMMITTEE ON DAY CARE LICENSING ESTABLISHED BY SECTION 12 OF THIS ACT.

(4) REPRESENTATIVES OF THOSE WHO OPERATE DAY CARE CENTERS.

(5) EXPERTS IN THE VARIOUS PROFESSIONAL FIELDS WHICH ARE RELEVANT TO CHILD CARE AND DEVELOPMENT

DRAFT FORMULATIONS SHALL BE WIDELY CIRCULATED FOR CRITICISM AND COMMENT.

The main thrust of the Act is to enable the appropriate state agency to develop and promulgate the detailed rules and regulations needed both for the substantive and procedural aspects of licensing day care facilities. The agency will possess the experience and the expert assistance which such detail requires. Further, legislation is not easily amended as licensing regulations ought to be in the light of accumulated experience. The reference to the Departments of Health, Education and the Fire Marshal is bracketed because the designation of the agencies intended will vary from state to state.

B. THE RULES AND REGULATIONS FOR OPERATING AND MAINTAINING DAY CARE FACILITIES SHALL BE DESIGNED TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CHILDREN WHO ARE TO BE SERVED IN THE FACILITIES BY ASSURING SAFE AND ADEQUATE PHYSICAL SURROUNDINGS AND HEALTHFUL FOOD, BY ASSURING SUPERVISION AND CARE OF THE CHILDREN BY CAPABLE, QUALIFIED PERSONNEL OF SUFFICIENT NUMBER; BY ASSURING AN ADEQUATE PROGRAM OF ACTIVITIES AND SERVICES TO ENHANCE THE DEVELOPMENT

OF EACH CHILD; AND BY PROVIDING FOR SUCH APPROPRIATE PARENTAL PARTICIPATION AS MAY BE FEASIBLE UNDER THE CIRCUMSTANCES.

THE RULES AND REGULATIONS WITH RESPECT TO GRANTING, SUSPENDING AND REVOKING LICENSES AND LICENSING ADMINISTRATION SHALL BE DESIGNED TO PROMOTE THE PROPER AND EFFICIENT PROCESSING OF MATTERS WITHIN THE COGNIZANCE OF THE DEPARTMENT AND TO ASSURE APPLICANTS AND LICENSEES FAIR AND EXPEDITIOUS TREATMENT UNDER THE LAW.

The text offers the legislative standards which are to guide the development and promulgation of administrative rules and regulations. More specific legislative guidelines may be necessary in states where serious constitutional issues of delegation of power may arise.

It is contemplated that the rules and regulations of the department may contain provision for special dispensations to otherwise applicable provisions. Such dispensations should facilitate "trade-offs". More staff, for example, might justify fewer physical fire detection devices.

C. THE DEPARTMENT SHALL CONDUCT A COMPREHENSIVE REVIEW OF ITS LICENSING RULES AND REGULATIONS, AT LEAST ONCE EACH THREE YEARS.

D. THE RULES AND REGULATIONS SHALL BE PUBLISHED IN SUCH A WAY AS TO MAKE THEM READILY AVAILABLE TO THE PUBLIC.

E. THE DEPARTMENT SHALL [COMPLY WITH THE PROVISIONS OF THE STATE CODE OF ADMINISTRATIVE PROCEDURE][PUBLISH A PROPOSED FINAL DRAFT OF THE RULES AND REGULATIONS AT LEAST 90 DAYS BEFORE THEY ARE TO GO INTO EFFECT]. COPIES ARE TO BE SENT TO ALL PERSONS AND ORGANIZATIONS CONSULTED, AND TO ALL LICENSEES, AND COMMENTS ARE TO BE INVITED. A PUBLIC HEARING WILL BE HELD AT LEAST 30 DAYS PRIOR TO ADOPTION OF THE RULES AND REGULATIONS BY THE DEPARTMENT.

SECTION 7. THE OPERATION OF A DAY CARE FACILITY WITHOUT A LICENSE IS A MISDEMEANOR PUNISHABLE BY _____.

THE DEPARTMENT IS EMPOWERED TO SEEK AN INJUNCTION IN THE _____COURT AGAINST THE CONTINUING OPERATION OF A DAY CARE FACILITY:

(1) WHEN THERE IS ANY VIOLATION OF THIS ACT OR OF THE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT WHICH THREATENS SERIOUS HARM TO CHILDREN IN THE DAY CARE FACILITY, OR

(2) WHEN A LICENSEE HAS REPEATEDLY VIOLATED THIS ACT OR ANY OF THE RULES AND REGULATIONS OF THE DEPARTMENT.

PROCEEDINGS FOR SECURING SUCH INJUNCTIONS MAY BE BROUGHT BY [THE ATTORNEY GENERAL, OR BY THE COUNTY ATTORNEY OR DISTRICT ATTORNEY OF THE JURISDICTION IN WHICH THE DAY CARE FACILITY IS LOCATED].

SECTION 8. REGULAR LICENSES EXPIRE AT THE END OF ONE YEAR FROM THE DATE OF ISSUANCE EXCEPT THAT WHEN A REGULAR LICENSE IS ISSUED IMMEDIATELY FOLLOWING THE EXPIRATION OF A PROVISIONAL LICENSE, THE EXPIRATION OF THE REGULAR LICENSE SHALL BE ONE YEAR FROM THE DATE OF THE EXPIRATION OF THE ORIGINAL LICENSE. LICENSES MAY BE RENEWED UPON APPLICATION AND APPROVAL.

EACH LICENSE CERTIFICATE SHALL CLEARLY STATE THE KIND OF PROGRAM THE LICENSEE IS PERMITTED TO UNDERTAKE, THE ADDRESS OF THE LICENSEE, AND THE NUMBER AND TYPES OF CHILDREN WHICH CAN BE CARED FOR.

SECTION 9. IN EXERCISING THE POWERS OF LICENSING, RENEWING, SUSPENDING, OR REVOKING LICENSES, THE DEPARTMENT SHALL INVESTIGATE AND INSPECT LICENSEES AND APPLICANTS FOR A LICENSE. THE AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT MAY VISIT A DAY CARE FACILITY AT ANY TIME DURING THE HOURS OF OPERATION FOR PURPOSES OF INVESTIGATIONS AND INSPECTIONS. IN CONDUCTING INVESTIGATIONS AND INSPECTIONS, THE DEPARTMENT MAY CALL ON POLITICAL SUBDIVISIONS AND GOVERNMENTAL AGENCIES FOR APPROPRIATE ASSISTANCE WITHIN THEIR AUTHORIZED FIELDS AND IT IS AUTHORIZED TO CONTRACT FOR AND EFFECT PAYMENT FOR SUCH ASSISTANCE.

THE LICENSEE SHALL COOPERATE WITH THE INVESTIGATION AND INSPECTION BY PROVIDING ACCESS TO ITS FACILITIES, RECORDS AND STAFF. FAILURE TO COMPLY WITH THE REASONABLE REQUESTS OF THE DEPARTMENT IN CONNECTION WITH THE INVESTIGATION AND INSPECTION IS A GROUND FOR REVOCATION OF LICENSE.

THE INVESTIGATION AND INSPECTION MAY INVOLVE CONSIDERATION OF ANY FACTS, CONDITIONS OR CIRCUMSTANCES RELEVANT TO THE OPERATION OF THE DAY CARE FACILITY, INCLUDING REFERENCES AND OTHER INFORMATION ABOUT THE CHARACTER AND QUALITY OF THE PERSONNEL OF THE FACILITY.

SECTION 10. ANY FINAL DECISION OF THE DEPARTMENT MADE BY A HEARING EXAMINER AFTER A HEARING MAY BE APPEALED BY A PARTY TO THE HEARING TO THE _____COURT FOR REVIEW [BY COMMENCEMENT OF A CIVIL ACTION] WITHIN _____ DAYS AFTER THE MAILING TO THE PARTY OF THE NOTICE OF THE DECISION. THE REVIEW SHALL NOT CONSIST OF A TRIAL DE NOVO. THE FINDINGS OF THE HEARING EXAMINER AS TO ANY FACT, IF SUPPORTED BY SUBSTANTIAL EVIDENCE, SHALL BE CONCLUSIVE. THE COURT SHALL HAVE POWER TO ENTER JUDGMENT UPON THE PLEADINGS AND A CERTIFIED TRANSCRIPT OF THE RECORD WHICH SHALL INCLUDE THE EVIDENCE UPON WHICH THE FINDINGS AND DECISION COMPLAINED OF ARE BASED.

SECTION 11. THE DEPARTMENT SHALL OFFER CONSULTATION THROUGH EMPLOYED STAFF OR OTHER QUALIFIED PERSONS TO ASSIST APPLICANTS AND LICENSEES IN MEETING AND MAINTAINING REQUIREMENTS FOR LICENSING AND TO HELP THEM OTHERWISE TO ACHIEVE PROGRAMS OF EXCELLENCE RELATED TO THE CARE OF CHILDREN SERVED.

SECTION 12. A CITIZENS ADVISORY COMMITTEE ON DAY CARE LICENSING IS HEREBY ESTABLISHED. IT SHALL CONSIST OF EIGHTEEN MEMBERS. THE GOVERNOR SHALL APPOINT SIXTEEN. THE PRESIDING OFFICER OF EACH HOUSE OF LEGISLATURE SHALL APPOINT ONE MEMBER FROM HIS HOUSE. NINE OF THE MEMBERS APPOINTED BY THE GOVERNOR SHALL BE PARENTS OF CHILDREN RECEIVING DAY CARE SERVICES AT THE TIME OF APPOINTMENTS. THE REMAINING SEVEN SHALL BE CHOSEN SO AS TO PROVIDE REPRESENTATION OF DAY CARE FACILITIES AND THE PROFESSIONAL DISCIPLINES CONCERNED WITH CHILD CARE AND CHILD DEVELOPMENT.

MEMBERS SHALL SERVE WITHOUT PAY, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR THE REASONABLE EXPENSES OF ATTENDING THE COMMITTEE'S MEETINGS.

MEMBERS SHALL SERVE FOR A TERM OF THREE YEARS FROM THEIR APPOINTMENT. THOSE APPOINTED TO FILL VACANCIES CREATED FOR ANY REASON SHALL SERVE ONLY THE UNEXPIRED PORTION OF THE TERM UNLESS REAPPOINTED THEREAFTER. NOTWITHSTANDING THE FOREGOING, SIX OF THE INITIAL APPOINTEES SHALL SERVE FOR A ONE YEAR PERIOD AND SIX SHALL SERVE FOR A TWO YEAR PERIOD; THE TWELVE MEMBERS WHOSE INITIAL TERMS SHALL BE SO SHORTENED SHALL BE CHOSEN BY CASTING LOTS AMONG ALL EIGHTEEN APPOINTEES. NO COMMITTEE MEMBER SHALL BE PERMITTED TO SUCCEED HIMSELF AFTER SERVING A FULL THREE YEAR TERM OF OFFICE.

IT SHALL BE THE TASK OF THE COMMITTEE TO MAKE PROPOSALS FOR THE IMPROVEMENT OF DAY CARE LICENSING BY PROPOSING LEGISLATION OR RULES AND REGULATIONS FOR CONSIDERATION BY THE DEPARTMENT. FURTHER, THE COMMITTEE SHALL REVIEW AND GIVE ADVICE TO THE DEPARTMENT RESPECTING MATTERS OF LICENSING POLICY.

A MODEL CODE FOR DAY CARE LICENSING

ZONING

Developed as Part of an Overall
Day Care Licensing Study
Under the Direction of Sam J. Granato,
Chief, Day Care Office, Office of Child Development

TASK FORCE CHAIRMAN:

Mrs. Karen E. Hapgood, American Society of Planning Officials

TASK FORCE MEMBERS:

Mr. R. Dale Beland, American Institute of Planners
Mr. Lawrence W. Cook, Office of Economic Opportunity
Mr. Louis P. Dolbeare, Philadelphia Board of Education
Ms. Bernice Kennedy, Office of Child Development
Mr. Alvin Simon, New York Day Care Council

OCD Project Manager - Mrs. Dollie Lynch
OEO Project Manager - Mr. Claude Kinard, III

Project Consultant - CONSERCO, Seattle, Washington

BACKGROUND PAPER

ZONING FOR DAY CARE

The emerging concept of day care assumes that day care services and facilities meet community objectives in much the same manner as other more familiar community facilities such as schools. The provision of community facilities is most efficiently handled by local government through the city planning process. The establishment of need, the adoption of criteria for the kind and quantity of programs provided, and the location of facilities are the critical factors involved in this process. Where local conditions require, planning for day care may be provided by a public or private agency other than the local planning department or commission. No matter <u>how</u> it is achieved, such comprehensive planning for day care <u>should</u> occur. "Comprehensive", in this context, means consideration of the needs of dysfunctional as well as normal children, and children from infancy through age 14; consideration of all available funding sources, and other community services related to day care, including programs for teen-agers through age 17; operation of programs by a variety of sponsors, public and proprietary; and use of a variety of physical facilities.

The implementation of the comprehensive urban planning aspects of day care, as with other community facilities, will occur chiefly through zoning.

Zoning regulations are made possible by enabling legislation in each state. Zoning is the enforcement tool of local communities to determine land-use compatability. With regard to day care facilities, zoning may be viewed as a positive regulatory instrument to protect the interests of both the community and the children being served.

However, local zoning provisions and procedures are often viewed as obstacles to be overcome in the establishment of a day care facility. Three problem areas relating to zoning for day care may be identified. <u>First</u>, zoning ordinances often restrict facilities to a few areas of the community; in other words, permitting them only in a few zoning districts. A prospective day care facility operator may discover that such facilities are not permitted where need for day care services has been determined.

If the day care facility is permitted, the prospective operator may be confronted with a second zoning hurdle--the securing of a conditional or special use permit. As documented in the interim report, State Day Care Licensing Requirements[1] prepared for the Office of Child Development of HEW and the Office of Economic Opportunity, the time delay for such a permit application averages sixty days.

A third obstacle involves standards required in the zoning ordinance which are too rigid or which do not agree with the state day care licensing standards. Typical of these unreasonable standards is an excessive minimum lot size requirement of an acre or a requirement of too large an outside play area.

These zoning obstacles lead to increased costs both in time and fees. The costs are a burden to the day care operator whose profit-making ability has yet to be proved, and who consequently is hard put to wait out a zoning decision.

Another difficulty with zoning is encountered when day care facilities are denied to a community at the same time that the need for such facilities is growing rapidly within that community. As larger numbers of women enter the work force, more families find it desirable to have available child care facilities outside of the home. These facilities should be available in locations where they are most needed.

Background

Unlike state licensing standards for day care, which are specific and detailed, state enabling legislation for zoning does not indicate how to treat day care facilities. Within broad state enabling legislation, local governments have great latitude in determining zoning for uses such as day care facilities. Because day care, as a use of land, has been and frequently is viewed as a "problem use" by many communities, local zoning regulations, if there are any regarding day care, are usually restrictive in the locations where it may occur and the conditions under which it may occur. Local zoning ordinances should take a more flexible attitude toward day care facilities, because such facilities must first meet adequate and appropriate state health and safety standards.

Day care facilities are viewed as "problems" for varying reasons, some overt, others more subtle. The increased noise, the traffic created, and the safety of the children are the most common problem characteristics of day care facilities. Zoning has power to regulate these characteristics.

The nuisance factor of noise resulting from children in a group playing and yelling is often cited as an objection to the location of a day care facility. Yet a study prepared by the Oakland, California, Planning Department in 1966[2] found no unfavorable attitudes on the part of immediate neighbors of day care facilities (those living within 60 feet of the playground). In other words, noise did not make day care facilities particularly undesirable neighbors. In fact, there is probably less noise emanating from a day care facility than from elementary schools-- and rarely do communities and neighbors restrict the location of schools.

Another frequent objection is that day care facilities will create traffic congestion. The delivery and pick-up of day care children can mean short term and intense parking and loading activity. Citing the Oakland neighbor attitude survey again, it was found that neighbors to day care facilities complained about traffic congestion created by heavy parking and loading primarily when the day care facility was located on a local service street. Problems of traffic according to the report, "seemed to be reduced by the fact parents came over a period of time to deposit their children rather than all at once". Parking and loading standards are the responsibility of the zoning ordinance and ought to be carefully developed to assure smooth traffic flow.

Still another local reason for viewing day care as a "problem" is that where a day care facility is located in an already congested zone, many people believe the children will not be safe. Yet, day care licensing demands a greater amount of supervision of the children than a comparable school situation. Thus, the safety of the children is more readily assured.

There appears to be an even more subtle and basic reason for the "tough" zoning treatment of day care facilities in Communities, and the reason lies outside the province of a zoning ordinance to regulate. Negative attitudes toward children receiving care and guidance outside of the home are prevalent in our society and hard to change. The idea that mothers should not work, but should stay home and raise their children is slowly changing, but it is still an idea that dies hard. Supplemental care for the children of working mothers can and should be made available within communities.

Treatment of Day Care in Zoning Ordinance

Two exhibits are offered:

1. Characteristics of day care facilities, and
2. Recommended Zoning Criteria for Day Care Uses.

Two basic assumptions underlie the presentation:

1. The establishment of day care services and facilities, wherever there is need, is a desirable public objective, and
2. Day care should be treated as a community facility rather than a proprietary use.

For purposes of the zoning ordinance, location of day care facilities should be considered comparable to elementary schools. In both day care facilities and elementary schools, children are present for a specific period of time under the supervision of adult staff. As has been pointed out, there is a greater degree of supervision in a day care facility, and in the majority of day care facilities there are fewer children than in an elementary school. Consequently, there will be less likelihood of negative effects upon neighboring property.

Treating day care uses as community facilities means that day care should be permitted to locate in any zoning district so long as need has been demonstrated, state licensing requirements have been met, and no hazard can be reasonably anticipated. Treating day care facilities in the same manner as elementary schools means that day care could be established without a lengthy processing time involved in obtaining a conditional or special use permit.

The model provisions are flexible for two reasons: life styles vary from community to community, and differences of scale and need occur in developed and developing areas.

Urban and suburban life styles are different. Because zoning is a local prerogative, it must be recognized that these differing community life styles will influence the location of community facilities. In urban areas the location of day care facilities might very well depend upon accessible public transportation or need to be within walking distance of families using the facility. In suburban areas the location of day care facilities may be more related to private car transportation.

Related to differing community life styles are the concepts of developed and developing areas as described in the Douglas Commission report.[3] In developed or redeveloping areas a mixture of protection and stimulation by land-use controls is highly desirable. Day care might be considered as a stimulus to the existing neighborhood. Hence, a flexible approach to zoning standards is desirable, since optimum conditions often do not exist in built-up or redeveloping areas. In contrast, developing areas can apply the highest standards to new development, whether it be for small-scale planned unit development, average subdivision growth, or massive new town projects. Flexible zoning standards would allow more than minimal standards where possible, but would not deny the establishment of day care facilities where need exists.

Modular Housing

The development of factory built housing has implications for the field of day care, since it is possible that modular units could receive widespread use as day care facilities. In an authoritative study to be published September 1971 by the American Society of Planning Officials entitled Regulation of Modular Housing--Including Mobile Homes, the relationship between zoning and factory built housing is spelled out. Author of the report, Fred Bair, finds that the same zoning regulations that govern traditional housing should apply to modular housing. Eleven states (California, Georgia, Hawaii, Mississippi, Maryland, New Mexico, North Carolina, South Carolina, Tennessee, Virginia and Washington) have enacted legislation concerning factory-built housing and have set up agencies to develop standards. These standards will, for the most part, affect the building code. In each of these states the state regulation will have force of law at the local level. However, a statement in the zoning ordinance to ensure compliance of such housing with the district regulations is appropriate, if the use of factory built housing is anticipated.

Conclusion

From a strictly family concern in the past, positive nurture of children is now viewed as a desirable objective for the whole community. This concern applies to children of all ages and from families at all income levels. Therefore, day care facilities should be encouraged by the zoning ordinance, not limited. State licensing requirements should be accepted as ensuring the health, safety and welfare of children attending day care facilities.

Zoning for Day Care Facilities - Implementation

At the present time, there are no uniform zoning codes in the United States. Because zoning is a local responsibility and function, it is not feasible to attempt to develop a uniform day care zoning code. Therefore, the Task Force on Zoning has provided a background paper on day care facilities, a description of facility characteristics, and criteria for establishing zoning provisions in the local ordinance. This description and these criteria should be considered as strong recommendations intended to achieve the same basic objective as uniform code provisions. We believe this type of material will prove to be most helpful to those persons responsible for local zoning.

The material contained in this paper concerning zoning for day care needs to be distributed to and understood by local officials responsible for the zoning process. These officials may include members or staff of one or more of the following: zoning boards, planning commissions, city and county councils, and municipal, county and regional planning agencies.

MODEL ZONING PROVISIONS FOR DAY CARE, WITH COMMENTARY

DEFINITIONS

Regulation:
For purposes of this model, the terms used herein shall be interpreted as follows:

1. A "family day care home" is a private residence which receives for care, maintenance, and supervision one or more, but fewer than seven children for less than twenty-four hours per day unattended by a parent or legal guardian.

2. A "group day care home" is a private residence which receives for care, maintenance, and supervision seven through twelve children for less than twenty-four hours per day unattended by a parent or legal guardian.

3. A "day care center" is (a) a place which receives children for care, maintenance, and supervision in a structure other than a private residence for less than twenty-four hours per day unattended by a parent or legal guardian; and (b) any place, including a private residence, which receives more than twelve children for care, maintenance, and supervision, for less than twenty-four hours per day unattended by a parent or legal guardian.

Commentary:
Definitions are an important part of zoning ordinances. These definitions are based on the number of children served and the kind of facility in which the day care is provided. The terms are defined in order to simplify, clarify, and make the ordinance more understandable.

Exhibit A, Characteristics of Day Care Facilities describes the various levels of land use associated with each type of facility. Exhibit B, Recommended Zoning Criteria describes items that should be considered by zoning officials in developing day care provisions for local ordinances.

EXHIBIT A

Characteristics of Day Care Facilities

	DAY CARE FACILITY	A. DESCRIPTION OF USE	B. PERFORMANCE CHARACTERISTICS: TRAFFIC GENERATION	B. PERFORMANCE CHARACTERISTICS: OTHER NUISANCES (I.E., NOISE)	C. EXTERIOR ENVIRONMENTAL REQUIREMENTS
1.	Family Day Care Home	Private Residence 1-6 Children	Same as Typical Residence		Fenced Play Space or Park Access per Licensing Requirements
2.	Group Day Care Home	Private Residence 7-12 Children	No significant increase over Typical Residence		Fenced Play Space or Park Access Per Licensing Requirements
3.	Day Care Center	(1) Structure other than Private Residence (2) Facility which receives more than 12 children	Comparable to Elementary School with same number of Children		* Outdoor Play Area (Fenced) Access to Park, Roof or other Usable Area per Licensing Requirements. Off-Street Loading & Delivery, Parking: Per Local Standards for Similar use. Accessibility for Fire and Other Emergency Vehicles.

* ADEQUATELY BUFFERED FROM ABUTTING USES.

EXHIBIT A - COMMENTARY:

1. FAMILY DAY CARE HOME:

   A. Family day care home requires a private residence setting to maintain home atmosphere.

   B. Small number of children creates no problem.

   C. Play space required by state licensing can usually be provided by residential yards in suburban areas or by roof area or public park accessibility in urban situations. Availability of safe and adequate play space will in large part determine the type and location of such space.

2. GROUP DAY CARE HOME:

   (A-C) Additional children load will require larger residence and play space than Family Day Care Home.

3. DAY CARE CENTER:

   A. Typical residence does not provide adequate facilities for more than twelve children. Most day care centers normally accommodate between thirty to sixty children.

   B. Visible and audible activities of a day care center closely parallel those of a small elementary school.

   C. Day care center requirements from a community standpoint also are closely similar to a small elementary school.

Suggested off-street parking standards for non-urban situations are:

1 space per 2 staff members
1 space per 10 children

When space is available, it is desirable to provide buffer distance between the play area and the property line. However, a perimeter wall may serve in lieu of this buffer.

EXHIBIT B

Recommended Zoning Criteria

DAY CARE FACILITY	A. ZONING DISTRICT	B. LOT-YARD-SIGNS	C. PLAY SPACE	D. OUTDOOR PLAY ACTIVITIES	E. OFF-STREET PARKING & LOADING	F. LICENSING REQUIREMENTS
1. Family Day Care Home	All Residential districts-in private residence	Same regulations as district in which located	Must meet state and/or local licensing standards	Within fenced area or accessible park: limited to 8AM-8PM	Same regulation for similar use in district in which located	Must meet state and/or local standards
2. Group Day Care Home						
3. Day Care Center	Any district except heavy industrial or similar high-hazard district.		(Buffers must be provided).			

EXHIBIT B - COMMENTARY:

1. FAMILY DAY CARE HOME:

   A. Family day care homes are necessary in all types of residential areas to meet the need for day care. Family day care homes require a private residence setting to maintain home atmosphere.

2. GROUP DAY CARE HOME:

   A. Comments same as above.

3. DAY CARE CENTERS:

   A. Day care centers should be permitted in every zoning district except those in which hazards may be experienced.

   B. When space is available, it is desirable to provide buffer distance between the play area and the property line. However, a perimeter wall may serve in lieu of this buffer.

SOURCES

1. State Day Care Licensing Requirements, interim report prepared by the Social and Administrative Services and Systems Association in conjunction with Consulting Services Corporation for the Office of Child Development, Department of Health, Education and Welfare.

2. Day Care Facilities for the Children of Oakland, A Study of Neighbors' Attitudes. Prepared by the City Planning Department of Oakland, California, January 1966.

3. Building the American City, report of the National Commission on Urban Problems to the Congress and to the President of the United States. December 1968.

4. The Text of a Model Zoning Ordinance by Fred Bair, Jr. and Ernest Bartley, American Society of Planning Officials, 1966.

A MODEL CODE FOR DAY CARE LICENSING

FIRE SAFETY AND BUILDING CODES

Developed as Part of an Overall
Day Care Licensing Study
Under the Direction of Sam J. Granato,
Chief, Day Care Office, Office of Child Development

TASK FORCE CHAIRMAN:

Mr. Calvin H. Yuill, Southwest Research Institute

TASK FORCE MEMBERS:

Mr. Harold C. Clar, National Fire Protection Association
Mr. Charles R. Dillon, Office of Economic Opportunity
Mr. James R. Dowling, American Institute of Architects
Mrs. Sadie Ginsberg, Day Care and Child Development Council of America
Miss Frances McNeil, Office of Child Development
Mr. C. Sutton Mullen, Jr., National Conference of States on Building Codes and Standards
Mr. Pat Murphy, Office of Child Development
Mr. Jack E. Sanders, Fire Marshals' Association of North America
Mr. Robert Sullivan, Model Codes Standardization Council
Mr. G. M. Watson, American Insurance Association

TECHNICAL ADVISORS TO OCD:

Mr. Irwin A. Benjamin, Fire Research Section, National Bureau of Standards
Mr. Gene A. Rowland, Building Research Section, National Bureau of Standards

OCD Project Manager - Mrs. Dollie Lynch
OEO Project Manager - Mr. Claude Kinard, III.

Project Consultant - CONSERCO, Seattle, Washington

I. INTRODUCTION

The Task Force on Fire Safety and Codes has been charged with the responsibility of developing fire/safety requirements for day care homes and centers. The objective is to assure the maximum degree of fire safety commensurate with the legal authority vested in licensing, fire and code enforcement officials, and within reason insofar as required expenditures are concerned. A statement of requirements is attached. In preparing these, consideration has been given to fire safety requirements for day care facilities from numerous state and local jurisdictions as well as model building codes and fire safety regulations.

The approach has been to develop a model based upon the requirements of the three basic types of facilities according to the number of occupants and their age (or capability for self-help). This is illustrated as follows:

	Family Day Care Home 1-6 Children	Group Day Care Home 7-12 Children	Day Care Center 13+ Children	
Infants to 2½ Years				Not Mobile
2½-5 Years				Need Direction
6 Years and Over				Mobile

DAY CARE FACILITIES

Consideration also was given to a third variable--namely, the number of attendants per occupant (staff: child ratio). Considered with these items were such factors as the size and height of the building, existing physical features, and the fire protection available. Further modifications of the model have been considered also in terms of existing buildings converted to day care use.

SCOPE OF TASK FORCE CONCERN

The scope of the program covers infants through teenagers in facilities designed for normal children. The facilities may have as few as one child or may include several hundred. They include child care in one- and two-family dwellings, apartments (including high rise), as well as structures remodeled or built entirely for day care use. Facilities with accommodations for sleeping during some part of the day or night are also included.

THE NEED FOR REGULATION

Experience has indicated that in a rapidly expanding type of activity such as this, sooner or later there will be catastrophies that will be sufficiently dramatic to call for immediate action. Experience has shown also that action taken under the stress of emergency may be unnecessarily severe and almost confiscatory until time permits a more rational consideration of the factors involved. It is better to take the preventive approach and act before accidents happen.

GENERAL CONSIDERATIONS

Certain basic principles have been followed in the development of these regulations. In the first place, where national standards exist to cover the various aspects of problems under consideration these were utilized. We have relied heavily on the Life Safety Code of the National Fire Protection Association and standards of the American National Standards Institute. Where such standards do not cover the problems peculiar to day care facilities, appropriate regulations have been developed. We believe the regulations to be practicable from the points of view of economic feasibility and enforceability. Adequate enforcement staff in terms of numbers and competence must be made available. To insure a reasonable level of safety to the occupants of child day care facilities we wish to emphasize the need for frequent and competent

inspection by the enforcing body rather than to rely solely on self-inspection by operating personnel. Sympathy for the small operator with limited funds who might wish to convert an older house to a day care center should not justify relaxation of reasonable requirements, nor should the enthusiasm of day care licensing workers who may recognize a need that is not being met be permitted to lower safety standards unreasonably in order to provide the service.

National standards are complex in nature and are not designed specifically for day care operations. Since the owner/operator of many day care facilities should know what is required of them, it will be desirable to supplement references to national standards with brief statements of the requirements. Alternate ways of accomplishing the objective have been suggested where circumstances indicate that the desired level of safety can be obtained in other and possibly less expensive ways.

II. MODEL REGULATIONS - GENERAL CONSIDERATIONS

A. REFERENCE TO NATIONAL STANDARDS

LICENSING REQUIREMENTS RELATIVE TO FIRE AND SAFETY IN DAY CARE ESTABLISHMENTS SHALL REFERENCE NATIONALLY RECOGNIZED STANDARDS SUCH AS THOSE PROMULGATED BY AMERICAN NATIONAL STANDARDS INSTITUTE AND THE NATIONAL FIRE PROTECTION ASSOCIATION. IT IS RECOGNIZED THAT NO COMPLETE SET OF STANDARDS ADEQUATE TO MEET THE SITUATION HAS YET BEEN PROMULGATED ON A NATIONAL LEVEL BUT THAT THE NFPA LIFE SAFETY CODE DOES CONTAIN MANY PERTINENT PROVISIONS ON WHICH RELIANCE CAN BE PLACED.

B. LOCATION

THE LOCATION OF DAY CARE CENTERS IS PRIMARILY A MATTER FOR ZONING. HOWEVER, THERE ARE CIRCUMSTANCES UNDER WHICH CREDIT COULD BE GIVEN OR TRADEOFFS MADE ON FIRE SAFETY REGULATIONS:

1. WHERE THE CENTER IS LOCATED WITHIN ONE AND ONE HALF MILES OR FIVE MINUTES DRIVING TIME FROM A CONTINUOUSLY MANNED FIRE STATION, AND

2. WHERE THE CENTER IS SO LOCATED AS TO PROVIDE ACCESS FOR FIRE DEPARTMENT VEHICLES.

C. WATER SUPPLY

WHERE A MUNICIPAL, DOMESTIC, PRESSURIZED WATER SUPPLY DOES NOT EXIST, PROVISION SHOULD BE MADE FOR THE INSTALLATION OF SUCH A SYSTEM BY MEANS OF A PRESSURIZED TANK OR AN OVERHEAD WATER STORAGE SUPPLY.

D. OPERATING RESPONSIBILITIES FOR FIRE SAFETY

THE OWNER OPERATOR OF A FAMILY DAY CARE HOME OR OF A GROUP DAY CARE HOME IS RESPONSIBLE FOR THE SAFETY OF THE CHILDREN ACCOMMODATED THEREIN. CONSTANT SUPERVISION IS NECESSARY IF HAZARDS TO LIFE FROM FIRE AND ATTENDING PANIC ARE TO BE MINIMIZED. ONLY THROUGH PERIODIC INSPECTIONS CAN RESPONSIBLE OFFICIALS BE ASSURED OF PROPER MAINTENANCE. THEREFORE, MONTHLY INSPECTIONS OF DAY CARE CENTERS SHALL BE MADE BY A RESPONSIBLE MEMBER OF THE STAFF USING A PREPARED INSPECTION FORM.

IN DAY CARE CENTERS ACCOMMODATING MORE THAN 12 BUT LESS THAN 50 CHILDREN, THE RESPONSIBILITY FOR SAFETY MAY BE DELEGATED TO A SENIOR STAFF MEMBER DESIGNATED AS A FIRE WARDEN. SUCH A PERSON SHALL BE RESPONSIBLE FOR THE INITIAL REVIEW OF BUILDING ALTERATION PLANS, CONSULTATION ON THE PURCHASE OF NEW EQUIPMENT AND FURNISHINGS, MAINTENANCE OF FIRE/SAFETY DEVICES AND OF THE PREMISES, AND FOR THE DEVELOPMENT OF PROCEDURES FOR EMERGENCY ACTION, INCLUDING EVACUATION IN CASE OF FIRE.

DAY CARE CENTERS DESIGNED FOR MORE THAN 50 CHILDREN SHALL HAVE A STAFF PERSON HAVING SOME DEGREE OF SPECIAL TRAINING IN FIRE SAFETY. SUCH TRAINING COULD BE OBTAINED IN CONJUNCTION WITH THE LOCAL FIRE DEPARTMENT OR UNDER A PROGRAM ESTABLISHED BY THE FIRE PROTECTION SPECIALIST OF THE STATE LICENSING AGENCY. CENTERS OPERATED BY REGIONAL OR NATIONAL CHAINS SHALL HAVE AVAILABLE FOR CONSULTATION ON THEIR STAFF A TRAINED FIRE PROTECTION ENGINEER.

IN ALL CASES, THE RESPONSIBLE PERSON SHALL MAINTAIN A CLOSE LIAISON WITH THE LOCAL FIRE DEPARTMENT AND PARTICULARLY WITH THE CHIEF OF THE DISTRICT IN WHICH THE CENTER IS LOCATED.

E. OPERATORS' MANUAL

TO PROVIDE GUIDANCE FOR OWNERS, OPERATORS, AND LICENSING STAFFS, THERE SHALL BE PREPARED A SIMPLIFIED SELF-CONTAINED DOCUMENT WHICH WILL INCLUDE THE SALIENT FEATURES OF REQUIREMENTS AND REFERENCED DOCUMENTS EXPRESSED TO THE EXTENT POSSIBLE IN SIMPLE LANGUAGE.

F. STAFF SPECIALIST

1. FUNCTION

THE STATE LICENSING AUTHORITY SHALL HAVE ON ITS STAFF A SPECIALIST TRAINED IN THE FUNDAMENTALS OF FIRE PROTECTION AND SAFETY. THE PRIME FUNCTION OF THIS INDIVIDUAL WOULD BE TO DEVELOP A PROGRAM WHEREBY THE RESOURCES OF LEGALLY ESTABLISHED FIRE PROTECTION AND OTHER AGENCIES SHOULD BE UTILIZED IN THE APPROVAL OF PLANS FOR DAY CARE FACILITIES AND FOR THE PERIODIC INSPECTION THEREOF. IT IS RECOGNIZED THAT EXISTING FACILITIES MAY NOT BE ADEQUATE TO PROVIDE SUCH SERVICES, PARTICULARLY INSPECTION, BUT THE NEED FOR SUCH SERVICES IS APPARENT. ROUTINE INSPECTIONS RATHER THAN INSPECTION UPON COMPLAINT ARE ESSENTIAL, PREFERABLY ON AN UNANNOUNCED BASIS.

WHERE THE AUTHORITY FOR FIRE SAFETY AND INSPECTION IN DAY CARE FACILITIES IS LEGALLY IMPOSED ON ANOTHER STATE AGENCY SUCH AS THE STATE FIRE MARSHAL, SUCH ACTIVITY OF THE STAFF SPECIALIST SHALL BE COORDINATED WITH AND SHALL BE APPROVED BY THE STATE FIRE AGENCY.

2. QUALIFICATIONS

EDUCATIONAL: A FOUR-YEAR DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY, WITH EXPERIENCE IN FIRE PROTECTION AND BUILDING CONSTRUCTION. EXCEPTIONS: THE HIRING AUTHORITY MAY WAIVE THE DEGREE REQUIREMENT WHEN THE APPLICANT CAN DOCUMENT OUTSTANDING EXPERIENCE, ACHIEVEMENT, AND ADMINISTRATIVE ABILITY IN FIRE PROTECTION AND SAFETY.

THE APPLICANT MUST BE CAPABLE OF CONDUCTING A THOROUGH FIRE PREVENTION INSPECTION FOR THE PURPOSE OF DETECTING AND ELIMINATING HAZARDS TO LIFE SAFETY.

THE APPLICANT MUST BE REASONABLY CONVERSANT WITH NATIONALLY RECOGNIZED FIRE SAFETY CODES AND STANDARDS (NFPA CODES & STANDARDS).

PHYSICAL QUALIFICATIONS: THE APPLICANT MUST BE PHYSICALLY CAPABLE OF TRAVELING THROUGHOUT THE STATE TO CONDUCT INSPECTIONS AND INSTRUCT STAFF MEMBERS IN BASIC FIRE PROTECTION ACTIVITIES INCLUDING THE USE OF FIRST-AID FIRE APPLIANCES.

G. FIRE SAFETY TRAINING AND FIRE DRILLS

SAFETY EDUCATION SHALL BE A PART OF THE EDUCATIONAL PROGRAM. THIS WOULD INCLUDE PERSONAL SAFETY, AN APPROVED FIRE SAFETY EVACUATION PLAN AND THE EXECUTION OF EVACUATION PLANS. AT LEAST ONE SUCH EXERCISE PER MONTH SHALL BE REQUIRED.

Too often the fire drill is looked upon as a program interruption and a necessary evil. This attitude must change and the proposal is recommended as a means of accomplishing this purpose.

III. MODEL REGULATIONS - SPECIFIC REGULATIONS

NOTHING IN THESE REGULATIONS SHALL BE CONSTRUED AS PREVENTING THE USE OF ANY MATERIAL, METHOD OF CONSTRUCTION, SYSTEM OR APPLIANCE WHICH CAN BE SHOWN BY THE SUBMISSION OF EVIDENCE TO PROVIDE AN EQUIVALENT DEGREE OF QUALITY, STRENGTH, EFFECTIVENESS, FIRE-RESISTANCE, DURABILITY AND SAFETY.

A. OCCUPANT LOAD

DESIGNATION OF AN OCCUPANT LOAD IS ESSENTIAL FOR THE PRESERVATION OF A PROPER DEGREE OF HEALTH AND SANITATION. IT IS ALSO ESSENTIAL FOR THE ESTABLISHMENT OF SAFE EXITS. THE OCCUPANT LOAD FOR THESE TWO PURPOSES MAY NOT BE IDENTICAL. FOR THE PURPOSE OF ESTABLISHING EXITS, THIRTY-FIVE (35) SQUARE FEET PER

PERSON, BASED ON THE NET AREA OF THE SPACE USED AS SPECIFIED FOR DAY MURSERIES IN THE LIFE SAFETY CODE, IS A MINIMUM REQUIREMENT.

B. FURNISHINGS AND DECORATIONS

FLAMMABLE FURNISHINGS AND DECORATIONS SHALL BE FLAME RETARDED AS REQUIRED BY THE NFPA LIFE SAFETY CODE. NO FURNISHINGS OR DECORATIONS OF ANY EXPLOSIVE OR HIGHLY FLAMMABLE CHARACTER SHALL BE USED IN ANY DAY CARE HOME OR CENTER.

C. OCCUPANCY REQUIREMENTS

Occupancy requirements have been considered in terms of a matrix in which the three types of occupancies: family day care homes, group day care homes, and day care centers are considered in terms of infants and toddlers (under 2½ years of age), children 2½ through 5 years of age, and those 6 years of age and over. The first group are considered as not mobile, the second as needing direction, and the third as being mobile. Various hazard ratings have been assigned to each group on a scale of zero to ten, with the higher number representing the most hazardous situation. The most hazardous is the day care center with more than 12 children, all under 2½ years of age. Detailed requirements are listed in the following sections for each of the three types of facilities starting with the most hazardous. Requirements for other groups are considered in reference to this group. Appendix 1 presents the requirements in a matrix form.

IN SOME INSTANCES THE SAME DAY CARE FACILITY WILL ACCOMMODATE DIFFERENT AGE GROUPS. WHERE TWO AGE GROUPS USE THE SAME AREA, THE REQUIREMENTS FOR THE YOUNGER AGE GROUP[1] WILL PREVAIL.

DAY CARE CENTERS

1. TWELVE OR MORE INFANTS UNDER 2½ YEARS OF AGE

   a. THE CENTER MAY BE ONE- OR TWO-STORIES IN HEIGHT, OF PROTECTED (ONE HOUR) WOOD FRAME

[1] Group consists of 2 or more persons

CONSTRUCTION, WITHOUT SPRINKLERS, PROVIDED THAT NO CHILDREN UNDER 2½ YEARS OF AGE BE ACCOMMODATED ON THE SECOND FLOOR. A THREE-STORY BUILDING OF PROTECTED WOOD FRAME CONSTRUCTION IS ACCEPTABLE IF SPRINKLERED THROUGHOUT. INFANTS MAY THEN BE ALLOWED ON THE FIRST AND SECOND FLOORS. IN EACH CASE THERE SHALL BE TWO REMOTE EXITS. EXIT STAIRWAYS SHALL BE COMPLETELY ENCLOSED WITH ONE-HOUR FIRE-RESISTIVE CONSTRUCTION. NO MORE THAN 8 INFANTS SHALL RECEIVE CARE PER COMPARTMENT. AT LEAST ONE FIRE DETECTOR PER FLOOR OF THE COMBUSTION PRODUCTS TYPE SHALL BE PROVIDED AT THE HEAD OF STAIRS LEADING TO SLEEPING AREAS, ADJACENT TO SLEEPING AREAS AND IN CORRIDORS AND LOUNGES.[2] COMPARTMENT DOORS SHALL BE AT LEAST 36 INCHES WIDE FOR NEW CONSTRUCTION AND 32 INCHES FOR EXISTING BUILDINGS AND SHALL HAVE AUTOMATIC HOLD OPEN DEVICES. THERE SHALL BE A MANUAL PULL BOX ON EACH FLOOR OF THE DAY CARE CENTER. IN CENTERS WITH MORE THAN 100 CHILDREN, THESE PULL BOXES SHALL BE TIED INTO THE FIRE DEPARTMENT.

b. BUILDINGS OF HEAVY TIMBER CONSTRUCTION PROVIDE SOMEWHAT MORE OF A HAZARD THAN PROTECTED WOOD FRAME CONSTRUCTION BECAUSE OF THE PROBABILITY OF GREATER VOLUMES OF SMOKE AND TOXIC GASES DEVELOPING IN THE EVENT OF ACCIDENTAL FIRES. THE REQUIREMENTS FOR PROTECTED WOOD FRAME CONSTRUCTION APPLY EQUALLY TO HEAVY TIMBER CONSTRUCTION. HEAVY TIMBER CONSTRUCTION SHALL BE LIMITED TO ONE-STORY AND SPRINKLERED BUILDINGS.

c. NONCOMBUSTIBLE, UNPROTECTED ONE-STORY BUILDINGS ARE PERMISSIBLE WITHOUT SPRINKLERS. SUCH BUILDINGS OF TWO-STORY CONSTRUCTION ARE NOT ACCEPTABLE WITHOUT PROTECTION. PROTECTED NONCOMBUSTIBLE CONSTRUCTION OF TWO STORIES IS PERMISSIBLE WITHOUT SPRINKLERS.

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[2] The International Congress of Building Officials has presently under consideration a proposal to require that fire detectors of this nature be installed in each new single family residence. The State of Ohio presently requires them in modular housing. The majority of states require them in nursing homes.

d. FIRE-RESISTANT CONSTRUCTION IS GENERALLY ACCEPTABLE WITH THE UNDERSTANDING THAT ALL COMPARTMENTATION, SMOKE BARRIERS, AND EXITS BE OF NONCOMBUSTIBLE CONSTRUCTION. THIS APPLIES ONLY TO MULTI-STORY BUILDINGS.

e. EXPERIENCE HAS INDICATED THAT EVACUATION OF HIGH RISE BUILDINGS TO STREET LEVEL IN FIRE EMERGENCIES IS NOT FEASIBLE. ARRANGEMENTS MUST BE MADE, THEREFORE, TO EVACUATE OCCUPANTS OF UPPER FLOORS TO REFUGE AREAS ABOVE OR BELOW THE SPACE THAT THEY MAY OCCUPY.

f. APARTMENT HOUSES POSE A SPECIAL PROBLEM WITH RESPECT TO THE PROVISION OF TWO REMOTE EXITS. ON STORIES ABOVE THE FIRST FLOOR, THIS REQUIREMENT MAY BE MET BY COMBINING TWO ADJOINING APARTMENTS, EACH OF WHICH WOULD HAVE AN EXIT TO A CORRIDOR, AND THE TWO EXITS SHALL BE SEPARATED BY A SMOKE BARRIER ACROSS THE CORRIDOR. ONE-HOUR PARTITIONS SHALL BE REQUIRED, WITH 20-MINUTE, 1 3/4 IN. SOLID BONDED WOOD CORE DOORS. THESE DOORS SHALL BE AT LEAST 36 IN. WIDE FOR NEW CONSTRUCTION AND 32 IN. WIDE FOR EXISTING CONSTRUCTION. PANIC BARS ARE NOT REQUIRED. HOWEVER, ALL DOORS SHALL SWING OUTWARD, EXCEPT IN APARTMENT BUILDINGS WHERE SUCH DOORS WOULD INTERFERE WITH MOVEMENT OF TRAFFIC IN CORRIDORS.

g. INTERIOR FINISH SHALL BE OF CLASS B (FLAME SPREAD NOT EXCEEDING 75) THROUGHOUT.

h. VENTILATION, LIGHTING, HEATING, AND COOLING ARE RELATED BOTH TO HEALTH AND TO SAFETY. NATIONAL STANDARDS EXIST IN EACH INSTANCE AND THESE SHOULD BE REFERENCED IN DETAILED REGULATIONS. EXIT DISTANCES SHALL CONFORM TO NFPA 10-1232.

i. ELECTRIC WIRING FOR NEW CONSTRUCTION SHALL COMPLY WITH THE NATIONAL ELECTRIC CODES. IN OLD CONSTRUCTION THE WIRING SHALL BE OF SUCH SIZE AS TO PROVIDE THE LOAD FOR PARTICULAR USES AND APPLIANCES, AND APPLIANCES SHOULD

BE ADEQUATELY GROUNDED. EMERGENCY LIGHTING OF TYPE ONE SHALL BE PROVIDED FOR CORRIDORS AND EXITS IN ALL DAY CARE CENTERS FOR INFANTS.

j. IN ACCORDANCE WITH NFPA PAMPHLET NO. 10 A FIRE EXTINGUISHER SHALL BE PROVIDED FOR CLASS B FIRES IN KITCHENS AND FOR CLASS A FIRES ELSEWHERE.

2. TWELVE OR MORE CHILDREN - 2½ THROUGH 5 YEARS OF AGE

IN ADDITION TO THE REQUIREMENTS ABOVE, THIS GROUP MAY OCCUPY BUILDINGS OF WOOD FRAME CONSTRUCTION NOT MORE THAN ONE STORY IN HEIGHT, HAVING NOT LESS THAN TWO REMOTE EXITS. WHERE ANY PORTION OF A BUILDING IS USED FOR SLEEPING PURPOSES, THE STAFF SHALL ALWAYS BE IN ATTENDANCE, AND THE OCCUPANCY SHALL NOT EXCEED 50 CHILDREN, 100 CHILDREN IF ALL ROOMS HAVE EXITS LEADING DIRECTLY TO THE OUTSIDE. BASEMENTS MAY BE USED IF THERE ARE TWO REMOTE PROTECTED EXITS, ONE OF WHICH SHALL LEAD DIRECTLY TO GRADE, AND THE BASEMENT IS DRY AND WELL VENTILATED.

INTERIOR FINISH FLAME SPREAD REQUIRED SHALL BE CLASS C, AND CLASS B IN THE CASE OF EXITWAYS. *EMERGENCY LIGHTING, CLASS I, SHALL BE PROVIDED* TO EXPEDITE EVACUATION IN CASE OF POWER FAILURE. A COMBUSTION PRODUCT DETECTOR SYSTEM IS NOT REQUIRED WHERE THERE IS POSITIVE ASSURANCE OF RESPONSIBLE STAFF MEMBERS BEING PRESENT IN THE SLEEPING AREA AND AWAKE.

ON OPEN-PLAN BUILDINGS, THE REQUIREMENTS FOR THE LIFE SAFETY CODE REGARDING OPEN-PLAN SCHOOLS SHALL BE FOLLOWED.

3. TWELVE OR MORE CHILDREN OVER 5 YEARS OF AGE

SAME PROVISIONS AS APPLICABLE IN ITEM 2 ABOVE SHALL APPLY.

GROUP DAY CARE HOMES

1. SEVEN TO 12 CHILDREN UNDER 2½ YEARS OF AGE

EACH FLOOR OCCUPIED BY CHILDREN SHALL HAVE NOT LESS THAN TWO MEANS OF EGRESS. WHERE SPACES ON THE SECOND FLOOR ARE USED FOR SLEEPING PURPOSES ONE EXIT SHALL LEAD DIRECTLY OR THROUGH AN ENCLOSED STAIRWAY TO THE OUTSIDE. WHERE SLEEPING IS ON THE SECOND FLOOR, THERE SHALL BE A SELF-CLOSING SOLID WOOD DOOR NOT LESS THAN 1 3/4 IN. THICK AT THE TOP OF EACH STAIRWAY, A COMBUSTION PRODUCT DETECTOR AT THE HEAD OF THE STAIRS, AND A FULLY ENCLOSED EXIT TO THE EXTERIOR.

WHERE APARTMENTS ARE USED FOR A GROUP DAY CARE HOME, THE SAME PROVISIONS AS APPLICABLE TO A DAY CARE CENTER IN REFERENCE TO THE CORRIDOR SMOKE BARRIER SHALL PREVAIL.

BASEMENTS MAY BE USED WHERE DRY, ADEQUATELY VENTILATED, AND HAVE A MINIMUM HEADROOM OF 6 FT. 8 IN. THE STAIRWAYS TO THE FIRST FLOOR SHALL BE CUT OFF BY A SELF-CLOSING 1 3/4 IN. SOLID WOOD DOOR, OR EQUIVALENT, AND ONE EXIT SHALL BE PROVIDED DIRECTLY TO GRADE.

EXPOSED CEILINGS MAY BE PERMITTED, BUT ANY FURNACE PRESENT SHALL BE SEPARATED FROM THE SPACE USED BY CHILDREN BY PARTITIONS, SCREENS, OR OTHER SUITABLE MEANS. IF PARTITIONS ARE USED, LOUVERED OPENINGS OR OTHER MEANS SHALL BE PROVIDED TO ASSURE A POSITIVE SUPPLY OF COMBUSTION AIR FOR THE FURNACE UNIT.

AN OPERABLE FLASHLIGHT SHALL BE PROVIDED IN A LOCATION ACCESSIBLE TO STAFF, FOR USE IN THE EVENT OF POWER FAILURE.

2. SEVEN TO 12 CHILDREN 2½ THROUGH 5 YEARS OF AGE

THE SAME REQUIREMENTS AS APPLICABLE TO GROUP DAY CARE HOMES FOR CHILDREN UNDER 2½ YEARS OF AGE SHALL APPLY HERE.

3. SEVEN TO 12 CHILDREN OVER 5 YEARS OF AGE

THE SAME REGULATIONS AS SET FORTH IN SECTION 1 ABOVE SHALL APPLY EXCEPT THAT NO FIRE DETECTION DEVICES SHALL BE REQUIRED IF SLEEPING IS NOT PERMITTED ON THE PREMISES.

FAMILY DAY CARE HOMES

1. SIX OR LESS CHILDREN - NOT MORE THAN 2 UNDER 2½ YEARS OF AGE

   THIS WILL BE AN OCCUPIED RESIDENCE IN WHICH THE HOUSEHOLDER ACCEPTS UNRELATED CHILDREN WITH OR WITHOUT COMPENSATION.

   a. COMBUSTION PRODUCTS DETECTORS WITH A MINIMUM OF ONE FOR EACH UNIT SHALL BE MANDATORY AND LOCATED ADJACENT TO SLEEPING AREAS.

   b. THERE SHALL BE A FIRE EXTINGUISHER FOR CLASS B FIRES IN THE KITCHEN AND AN OPERABLE FLASHLIGHT AVAILABLE IN CASE OF ELECTRICAL FAILURE.

   c. COVERS WITH TWIST LOCKS SHALL BE PROVIDED FOR ALL ELECTRICAL OUTLETS.

   d. UNVENTED SPACE HEATERS SHALL NOT BE PERMITTED AND GAS SPACE HEATERS WHERE USED SHALL BE INSTALLED WITH METAL TUBING AND SCREW-TYPE CONNECTIONS.

2. SIX OR LESS CHILDREN 2½ THROUGH 5 YEARS OF AGE

   THE SAME REQUIREMENTS AS PROPOSED FOR FAMILY DAY CARE HOMES FOR INFANTS SHALL APPLY HERE. COMBUSTION PRODUCT DETECTORS SHALL BE REQUIRED ONLY WHERE SLEEPING FACILITIES FOR CHILDREN ARE PROVIDED.

3. SIX OR LESS CHILDREN OVER 5 YEARS OF AGE

   THE SAME PROVISIONS AS APPLICABLE TO FAMILY CHILD DAY CARE HOMES FOR YOUNGER GROUPS SHALL APPLY HERE, WITH THE PROVISION THAT COMBUSTION PRODUCT DETECTORS WILL NOT BE REQUIRED WHERE

SLEEPING FACILITIES ARE NOT PRESENT. THE KITCHEN FIRE EXTINGUISHER AND FLASHLIGHT ARE DESIRABLE BUT ARE NOT REQUIRED.

D. GENERAL SAFETY REQUIREMENTS

The Federal Occupational and Safety Law is now in effect and will apply to establishments having three or more employees. While the policies and procedures to be established under this Act are now being formulated, it should be a function of the licensing authority through its fire safety specialist to advise owners and operators of child day care homes and centers of their responsibilities in connection with the law. Regardless of the procedures to be established under the Act, there are certain well known safety procedures that shall be incorporated wherever applicable in the operation of homes and centers. These include:

1. PORCHES, WALKWAYS, AND PLAY AREAS WHICH ARE ELEVATED SHALL HAVE RAILINGS WITH POSTS SPACED SUFFICIENTLY CLOSE AS TO PREVENT FALLS BY PRE-SCHOOL CHILDREN.

2. STAIRS, WALKWAYS, RAMPS AND PORCHES SHALL BE MAINTAINED FREE FROM ACCUMULATIONS OF WATER, ICE, OR SNOW AND SHALL HAVE A NONSLIP SURFACING.

3. PLAY AREAS AND PLAY EQUIPMENT SHALL BE MAINTAINED IN A REASONABLY SAFE CONDITION AND SUPERVISED BY PROPERLY TRAINED PERSONNEL UNDER STANDARDS TO BE DEVELOPED BY THE STATE LICENSING AUTHORITY.

4. ALL FLAMMABLE MATERIALS, INCLUDING FUEL, CLEANING FLUIDS AND SUPPLIES, POLISHES AND MATCHES SHALL BE STORED IN DESIGNATED CABINETS OR STORAGE FACILITIES ACCESSIBLE ONLY TO AUTHORIZED PERSONS. THE CONSTRUCTION OF SUCH FACILITIES SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF NATIONALLY RECOGNIZED STANDARDS, SUCH AS NFPA NO. 30. MEDICAL SUPPLIES, BLEACHES, DETERGENTS, INSECTICIDES AND SIMILAR MATERIALS SHALL BE STORED IN EQUALLY SAFE FACILITIES.

5. LEAD PAINT SHALL NOT BE USED IN REDECORATING. PAINT COATINGS IN OLDER BUILDINGS CONVERTED TO DAY CARE CENTER USE SHALL BE CHECKED TO ASSURE THE ABSENCE OF A HAZARDOUS QUANTITY OF LEAD IN ACCORDANCE WITH ANS NO. C66.1.

6. CLEAR GLASS PANELS IN SLIDING DOORS, SHOWER DOORS, TUB ENCLOSURES, STORM DOORS AND ELSEWHERE SHALL BE CLEARLY MARKED TO AVOID ACCIDENTAL IMPACT AND SHALL BE PROVIDED IN ACCORDANCE WITH ANS NO. 97-1. WHERE CLEAR GLASS IS USED IN EXTERIOR WINDOWS LESS THAN 32 IN. ABOVE FLOOR LEVEL, THE GLASS SHALL BE OF SAFETY GRADE.

7. UNTREATED, FLAMMABLE MATERIALS SHALL NOT BE USED FOR DECORATIVE PURPOSES, SEASONAL OR OTHERWISE. NONFLAMMABLE AND FIRE-RETARDANT TREATED MATERIALS ARE AVAILABLE FOR SUCH PURPOSES. THE USE OF CANDLES WITH AN EXPOSED FLAME SHALL NOT BE ALLOWED EXCEPT AS USED FOR EDUCATIONAL PURPOSES AND MAINTAINED UNDER CONTROL OF SUPERVISING ADULTS.

8. THE BURNING OF TRASH IN INCINERATORS, TRASH BURNERS OR OTHERWISE BY UNSUPERVISED CHILDREN SHALL NOT BE PERMITTED. TRASH BURNING FACILITIES SHALL BE LOCATED IN AN ENCLOSURE SEPARATED FROM CHILD PLAY AREAS.

9. FIRST-AID KITS SHALL BE LOCATED AT CONVENIENT PLACES AS MAY BE APPROPRIATE. STANDARDS SHOULD BE DEVELOPED DEFINING THE CONTENT OF SUCH KITS. IN CENTERS ACCOMMODATING MORE THAN 12 CHILDREN ONE STAFF MEMBER SHALL HAVE RECEIVED SENIOR FIRST AID TRAINING.

10. IN ALL DAY CARE HOMES AND CENTERS THERE SHALL BE A SINGLE LINE (WHERE AVAILABLE) TELEPHONE IMMEDIATELY ACCESSIBLE TO STAFF. IMMEDIATELY ADJACENT TO THE TELEPHONE SHALL BE CONSPICUOUSLY POSTED EMERGENCY TELEPHONE NUMBERS, INCLUDING FIRE, POLICE, PHYSICIAN, HEALTH AGENCY AND AMBULANCE.

APPENDIX 1 - REQUIREMENTS IN MATRIX FORM

DAY CARE CENTERS OVER 12 CHILDREN

REQUIREMENTS	AGE GROUPS (Where two age groups use the same area, the requirements for the younger age group will prevail.)		
	Under 2½ yrs age	2½ through 5 yrs age	6 yrs and over
CONSTRUCTION ALLOWED	1. Combustible (2 story--1 hr. protected wood frame--infants first floor only) (3 story--1 hr. protected wood frame--infants first or second floor only) and (sprinklered) 2. Noncombustible unprotected--one story or, protected--two story 3. Fire Resistant (all compartmentation, smoke barriers and exits noncombustible if multi-story) 4. Heavy Timber--one story, sprinklered	In addition to the constructions allowed for children under 2½ add wood frame construction unprotected, limited to first story--maximum 50 children with two remote exits: Up to 100 children if all rooms exit to outside	Same as for 2½ to 5 age group
DETECTION AND ALARM	1. Fire detectors of the combustion products type (at least one per floor) at head of stairs leading to sleeping areas, adjacent to sleeping areas and in corridors, and lounges. 2. Manual pull box on each floor, tied into 24 hour service if over 100 children present	Combustion products detector system not required where staff members are in sleeping area and awake)	Same as for 2½ to 5 age group
MATERIALS	1. Interior Finish Flame Spread (Class B) FS 75 all walls and ceilings FS 200 all floors 2. Flammable furnishings and decorations shall be flame retarded as required by the NFPA Life Safety Code. Sec 17-12	1. Interior Finish Flame Spread Class C (Class B in the case of exitways) FS 75 for exits FS 200 for rooms FS 200 for floors	Same as for 2½ to 5 age group
SPRINKLERS	Three story--1 hr protected wood frame shall be sprinklered. See construction.		

DAY CARE CENTERS OVER 12 CHILDREN - CONTINUED

REQUIREMENTS	AGE GROUPS (Where two age groups use the same area, the requirements for the younger age group will prevail.)		
	Under 2½ yrs age	2½ through 5 yrs age	6 yrs and over
HAND EXTINGUISHERS	Extinguishers to provide for Class B fires in kitchens and Class A fires elsewhere	None	None
LIGHTING	Emergency lighting of Type I should be provided for corridors and exits	Same as for under 2½	Same as for under 2½
EXITS	1. Arrangements for evacuation of occupants to refuge areas in high rise buildings 2. Provision of two remote exits and travel distance in accord with NFPA 101 Sec 10-1232 3. Exit stairways for frame construction shall be completely enclosed with one hour fire resistive construction occupancy limited to 10 infants per compartment (and not more than 4 infants per each staff member) 4. Compartment doors at least: 36 inches wide for new construction 32 inches for existing buildings Doors to be self closing with automatic hold open devices and be 1 3/4" solid bonded wood core or 20 minute fire resistance 5. All exit doors should swing outward except in where opening into apartment building corridors 6. Apartment Houses exits to a common corridor to be separated by a smoke barrier across the corridor--one hour partitions required with 20 minute, 1 3/4" solid bonded wood core doors. These doors should be at least 36" wide (new construction) (and 32" for existing construction)	1. Same as under 2½ yr age group 2. For open plan center--See NFPA 101 Sec 9-2 requirements	Same as 2½ to 5 age group
SPECIAL NOTES	HVAC system to meet 90A or 90B, whichever is applicable--all age groups		

GROUP DAY CARE HOMES (7 THROUGH 12 CHILDREN)

REQUIREMENTS	AGE GROUPS (Where two age groups use the same area, the requirements for the younger age group will prevail.)		
	Under 2½ yrs age	2½ through 5 yrs age	6 yrs and over
CONSTRUCTION	Meet local building code requirements for residential construction and also NFPA 101 Sec 11-6		
DETECTION AND ALARM	Where sleeping is on the second floor a combustion products detector at the head of the stairs	Same as 2½ yr age	No fire detection devices required if sleeping is not permitted on the premises
MATERIALS	Interior finish of occupied spaces shall have a flame spread of less than 200	Same as 2½ yr age	Same as 2½ yr age
SPRINKLERS	None required		
HAND EXTINGUISHERS	Extinguisher for Class B fires in kitchen	Same as 2½ yr age	Desirable but not required
LIGHTING	Flashlights provided for use (by the staff) in the event of power failure	Same as 2½ yr age	Same as 2½ yr age
EXITS	1. Each floor occupied by children shall not have less than two means of egress. 2. Where spaces on the second floor are used for sleeping purposes one exit shall lead directly, or through an enclosed protected stairway, to the outside. Also, there shall be a self closing solid wood core door at the top of each stairway.	Same as 2½ yr age	Item 1 applicable Item 2 applicable only if sleeping facilities are provided
SPECIAL	Where apartments are used for a group day care home the same provisions applicable to a day care center in reference to the corridor smoke barrier and two exits to corridor shall prevail.		

FAMILY DAY CARE HOMES (6 OR FEWER CHILDREN)

REQUIREMENTS	AGE GROUPS (Where two age groups use the same area, the requirements for the younger age group will prevail.)		
	Under 2½ yrs age	2½ through 5 yrs age	6 yrs and over
CONSTRUCTION	Meet local building code requirements for residential construction	Same as 2½ yr age	Same as 2½ yr age
DETECTION AND ALARM	Combustion products detectors, a minimum of one for each unit located adjacent to sleeping areas.	Same as 2½ yr age	Combustion Products detectors will be required only if sleeping facilities are present.
MATERIALS	Interior finish of occupied spaces shall have a flame spread of less than 200	Same as 2½ yr age	Same as 2½ yr age
SPRINKLERS	No requirement		
HAND EXTINGUISHERS	Extinguishers for Class B fires in the kitchen.	Same as 2½ yr age	The kitchen fire extinguisher is desirable but not required.
LIGHTING	An operable flashlight should be available in case of electrical failure.	Same as 2½ yr age	The flashlight is desirable but not required.
EXITS	Meet NFPA 101 Sec 11-6211, 11-622 and 11-623.	Same as 2½ yr age	Same as 2½ yr age
SPECIAL	1. Unvented space heaters are not permitted. Gas Space Heaters where used should be installed with metal tubing and screw type connections. 2. Meet NFPA 101 Sec 11-6411 on location of heaters.	Same as 2½ yr age	Same as 2½ yr age

General Notes:

1. Electric wiring for new construction should comply with NEC.

   In old construction the wiring should be large enough to provide for any special appliances and the appliances should be adequately grounded.

2. For facilities having children under 5 years age, special receptacle covers should be used on all outlets where the children are located.

3. Basements may be used where adequately ventilated and have a minimum 6 ft 8 inch headroom. The stairway to the first floor should be shut off by a 1 3/4" solid wood core door, and one exit should be provided directly to grade.

   Exposed ceilings may be permitted.

   Any heating equipment present should be separated from the space used by the children by a screen, partition or other means. If partitions are used care must be taken to see that adequate ventilation is provided to the combustion device.

4. An approved fire-safety evacuation plan should be established for each facility. Also, it is recommended that fire safety be part of the educational program.

5. Flammable materials shall be stored in areas accessible only to designated individuals, and in containers consistent with NFPA standard No. 30, chapter 4.

A MODEL CODE FOR DAY CARE LICENSING

HEALTH AND SANITATION

Developed as Part of an Overall
Day Care Licensing Study
Under the Direction of Sam J. Granato,
Chief, Day Care Office, Office of Child Development

TASK FORCE CHAIRMAN:

Dr. Ann DeHuff Peters, Children's Hospital and Health Center

TASK FORCE MEMBERS:

Dr. William B. Forsyth, American Academy of Pediatrics
Dr. Mary L. Michal, Maternal and Child Health Services, HEW
Mrs. Josephine L. Miser, Connecticut Public Health Department
Dr. Frank Stroud, Office of Economic Opportunity
Miss Enid Welling, Office of Child Development
Mr. Orlen J. Wiemann, Colorado Department of Public Health

OCD Project Manager - Mrs. Dollie Lynch
OEO Project Manager - Mr. Claude Kinard, III

Project Consultant - CONSERCO, Seattle, Washington

I. INTRODUCTION

A. Content of Model - Major Issues

This section of the model code addresses itself to the health, safety, and environmental sanitation aspects of day care for children from birth to age 14. It covers the following major areas:

- Personal health of the children, including physical health, nutrition, mental health and emotional well-being (closely related to the model on Staffing and Program).
- Personal health of the adult staff as it pertains to their child-care responsibilities.
- Environmental sanitation and safety (related to building codes, fire safety, and zoning requirements).

Major issues underlying the content and format of this portion of the model code are:

1. Most day care regulations pertaining to health have, to date, impeded rather than enhanced the development of good comprehensive programs, especially for those children in high-risk groups who most need a flexible community-oriented service. They are too detailed, contain anachronistic requirements difficult to enforce if not totally unnecessary, and fail to provide for community input of expertise and parent involvement in designing specific guidelines appropriate to particular circumstances in each locality.

   A model code should be simple, contain only the essential basics, provide for some mechanism for periodic review and updating, and be sufficiently flexible to allow different communities and/or groups to utilize the methods most applicable to their needs and resources.

2. <u>The anachronistic aspects of present health-related requirements are the following:</u>

   a. Requirement of a physical examination by a physician of each child prior to, or shortly after, entry into day care.

   b. Exclusion, or isolation, of children who are mildly or moderately ill without concern for alternatives.

   c. Requirement of medical examinations of all adults and family members in a day-care home.

   d. Requirement of child-sized toilets and washbasins.

   e. Maintenance of age-peer grouping in a larger center as the only acceptable model.

   f. Rigidity of staff-child ratios on an age basis, rather than looking realistically at program requirements.

   g. Space requirements in terms of square-footage of indoor and outdoor areas, rather than based on size and type of groups, adult staff (including teen-agers), and type of locality.

   h. Failure to include provisions for "drop-in" care (e.g., the college child-care programs in which a large percentage are infants and toddlers and shopping center and bowling alley "baby-sitting").

   i. The serious failure of licensing agencies to recognize the need to include a spectrum of different types of day care under the same licensing umbrella and probably also under the same funding or administrative auspices.

<u>Each of the above aspects will be discussed separately</u>.

   a. The myth of the value of a physical examination at one point in time has long been recognized by public health physicians, especially when this requirement

is applied to apparently healthy children. Any physical appraisal of a child should be part of a continuum of health care, not an isolated event. Reliance on the magic of a physical examination by a "qualified" physician is not only outdated, but puts emphasis on an expensive procedure which may yield little return, in addition to its deterrent or delaying effect. Such a requirement, still promoted for all children prior to attending a summer camp; to entering day care, school, or college; or to swimming in a municipal pool has long been a "nuisance" type of formality involving often merely a hastily penned signature on a medical form or a cursory "once-over".

Children in day care represent an essentially healthy population with, by far, the chief physical health problem being acute respiratory infections. The experience of Project Head Start,[1,2] a program designed to reach severely impoverished families, and those of state or locally funded programs for children of families on the welfare rolls has shown that 80-90% of the children were considered "essentially healthy" by examining physicians. Many of the problems detected on examination could also have been (or else actually were) detected by laboratory tests or intelligent observers (e.g. anemia, strabismus, nephritis, orthopedic handicaps, emotional or adjustment problems). In all of these programs, problems of health were also part of a spectrum of social and economic ills. The continued use of expensive methods for health problem detection and screening, such as physician contact with all children, is no longer either feasible or relevant.

In certain circumstances, medical evaluation of a child is relevant. For example, an infant who has never received a health appraisal after the neonatal period and who appears to be small for his age, listless and lethargic, or pale and "sickly" needs an evaluation which includes laboratory examinations. Also, a child who appears slow, unduly clumsy, or otherwise deviant in behavior who has not had a medical evaluation should receive one. A preliminary appraisal

might well be carried out by a nurse-practitioner or a physician's assistant who has skilled medical backup available. At the present time these individuals are in short supply, but they should be used wherever available.

The ideal direction of program development for comprehensive child developmental services is to include on-going health care using various levels of staff to provide developmental appraisals, vision and hearing screening, selected laboratory screening, immunizations, and care for mild illness- all within the program setting. Studies in neighborhood health centers and in experimental day care programs[3,4] have shown that such services can be effectively carried out by different kinds of personnel in different settings and need not be organized in the form of one model alone. Day care offers a prime opportunity to deliver more relevant and less expensive child health services; but, until there is a major national reorganization of child health delivery systems, this opportunity may remain only a dream. To date, the clinic, doctor"s office, or hospital out-patient service has become increasingly the more comfortable place for the health professional and the less appropriate place for the patient without serious illness.

Instead of mandatory physical examinations, this code proposes to substitute a requirement for a statement from a physician or other health professional regularly caring for the child that day care will not be deterimental to his health. This code also calls for the development of a regular health consultation service for the program with review of the health policies and practices of the program. In addition, the code calls for the training of at least one staff member in health-oriented observation of children. Immunizations are important and should be carried out preferably in the day care setting so that a harried mother or relative need not spend long hours waiting in line at a public health clinic or hospital out-patient department.

b. Isolation of a child with symptoms of an illness or exclusion of him from a group in which he has been a regular attendant is a failure to understand the mechanisms of communicable disease. By the time symptoms become apparent, the organism responsible for the illness has already spread far and wide. Policies requiring exclusion or isolation are a holdover from the days of serious epidemic diseases and have not been reviewed in the light of present immunization practices. New vaccines are being developed for various non-lethal illnesses. New surveillance methods are being studied, some of them in day care settings. In our concern to protect a child, however, we must not continue to subject him to the vagaries of an isolation plan when he is ill and most in need of the familiar and comforting setting.

Studies of illness experience in two day care settings both of which included infants and one in which ill children were not isolated,[5,6] have demonstrated that this practice was not detrimental to the health of any of the children. In the day care setting which did not require isolation, studies of illness experience within the day care group in comparison with similar community groups of like-age children showed no significant difference. In this mobile age, children are no longer kept exclusively at home and are subjected to all sorts of community infectious experiences. It is better to keep a symptomatic child in the day care setting, where he can be observed and where expert assistance can be called upon if necessary, than it is to abandon him and his mother to the vagaries of chance. However, if such a liberalized policy is adopted, the day care staff must have some type of health-professional backup.

Instead of exclusion or isolation of the child with "symptoms", this code proposes to substitute the requirement that the decision to admit symptomatic

children be made by the day care operator and parents, with the aid either of a health advisory committee or a medical consultant, or an equivalent source of health advice such as public health nursing or nurse-practitioner.

c. Comments related to the requirement of physical examinations for children are also relevant in regard to adults except that some more complete type of health evaluation of the day care adult has protective implications for the children in care. A tuberculin test is essential, a serologic test for syphilis is not. A persistent skin rash, especially if it is caused by a staphylococcus or streptococcus, may cause infection in children. High blood pressure, mental instability, undue concern with cleanliness and order, rigidity of behavior - all may be detrimental to adult functioning with small children.

This code includes a provision that the present state of health of all adults over 16 be reviewed with the licensing agent, including information as to whether day care staff have a regular source of health care and whether their physical condition has caused them any concern. If so, a statement from their regular source of health care as to their fitness to care for active, demanding young children shall be required. A pre-employment physical examination for all adults who work more than half-time is required for the protection of employer and employee.

If ill children are admitted to day care, there may be some increase in staff illness, and recognition of this must be reflected by providing adequate paid sick-leave.

d. Child-sized toilets and washbasins are expensive, are not like those in the child's own home, and are unnecessary. A small child learning bowel and bladder control can use the small potty-chair more comfortably and, as he grows older, with the aid of small step-stools will climb up onto a large-size toilet backward. Step-stools can also be used to reach a large-sized washbasin.

e. and f. These two items will be discussed together, since they are closely related. Age-peer grouping is a translation downward of traditional public school grouping and a holdover from the 1920 nursery school movement. Age-peer grouping is now under question as being universally appropriate for the school-aged child, particularly in the primary grades. If it is increasingly less relevant there, it should be scrutinized even more carefully with younger children. The arguments given that older children (i.e., 3- and 4-year olds) are more active, create problems for the 2-year olds who try to "keep up", and are likely to injure the infants and toddlers in their vigorous play all relate to poor program development and lack of imagination and flexibility in the use of staff. One day care center, the Frank Porter Graham Child Development Center in Chapel Hill, North Carolina, used an extended-family or cottage-plan type of age-grouping and found that this provided a richer and more natural type of age-interaction without adding to staff requirements or to child hazards. This is also the Center that allowed ill children to attend and studied their illness experience.[4] Part of the information obtained through these studies indicated that certain viral and bacterial infections are age-related, either in degree of infectiousness or in the type of resulting disease.[7] This finding, if corroborated elsewhere, has important implications in admission of symptomatic children to a day care setting. It is far easier for the adults to care for one or two ill children at a time than for a dozen with the same disease.

Most adult staff requirements are too high, in the experience of several experimental centers caring for infants and older children.[8,10] There are peak times in any day care setting when a pair of hands and/or a lap are needed for each child and others when that number of adults is very superfluous. <u>The staff-child ratio should not be set on the basis of age-peer grouping, but on programatic requirements.</u> In this respect, the use of volunteers has never been

adequately explored. All health programs nowadays rely heavily on volunteer assistance. Hospitals and clinics have found them invaluable in carrying out many responsibilities from simple clerical tasks to complex professional assignments. Hospitals increasingly are including paid directors of volunteers on their staffs, whose responsibility is to recruit and train volunteers and coordinate their activities. Day care could well use a similar service. In addition, the recruitment of teen-agers, either under a type of "Candy-Striper" program or as a part of junior and senior high school classes in child development, could add markedly to the manpower as well as to the enrichment of the experience of both the day care child and teenage volunteer. There are protective considerations in such use of young teen-agers, many of whom nowadays have little experience with very young children. However, if they are supervised, especially by a weary adult staff-member who can sit down for a while and let the active, vigorous, spontaneous teenager interact with the child, the benefits should outweigh the risks. Liability insurance should cover such circumstances, with a clear understanding of how these young people are to be employed and supervised.

Since personnel costs are the largest item in a program, a careful evaluation should be made of who is to be selected, how she or he is to be supervised, and how staff can be most efficiently used. (This relates directly to the model on staffing and program.) This model states that it is not necessary to consistently assign one individual to the care of a very young child-the primary tie of a child in day care is to his own parents. The experience of several newer programs caring for infants and toddlers in a group setting has shown that the children recognize their parents very readily, tend to choose their caretakers within the center staff, and relate well to a variety

of people.[8,9] These considerations relate to program rather than licensing, but their relevancy to mental health warrants inclusion in this discussion.

g. Space requirements are easiest to express in terms of square-footage, but this limits seriously the flexibility necessary for program development in different localities. In an increasingly crowded world it will be necessary for all of us to accept space limitations that may be painful to some, welcome to others. Space requirements depend upon the type of program, upon the amount and kind of furniture and equipment, and upon how the space is used. A cluttered living room in a family home may have sufficient space but nowhere for a child to build his block-castle or sit quietly in a corner with a book.

   This question cannot be resolved by the health and sanitation model but it does have major mental health implications and requires careful thought.

h. Many present licensing requirements are inappropriate for the newer types of drop-in programs, such as those on college campuses which are financed by student funds and use parents as part-time assistants. Many if not most of the children in such programs are infants and toddlers. A large number of these programs have been operating in extremely inadequate space on shoestring budgets and are seldom able to hire more than one full-time staff member. The emphasis on parental control of activities and program has often resulted in chaos. The needs of drop-in programs must be addressed in a model licensing code. The model code specifies that all drop-in programs serving a variety of children have a continuing source of health consultation.

i. Of major concern to this model code is the increasing development of large, bland, routinized day care programs in which the individuality of the child is completely submerged into the herd. One justification for these large centers has been the possibility

of cutting the cost per child, another that the centers can be located in an occupational setting which cuts down transportation problems for the parent. The size of the total program is of critical importance in all health aspects. Studies of the large programs in Los Angeles and New York have shown that in large facilities there is less interaction between caregivers and the director, less opportunity for parents to participate, and less flexibility of program. Since the code requires health consultation and specific attention to mental health aspects, the large facility would dilute the effectiveness of these requirements. A cluster of small facilities, near one or more larger facilities (which do not exceed 75 children of varying ages) could offer the most flexibility in selecting the program that fits each child's individual need. Such a change in the chaotic, formless method by which present day care development has taken place would require major reform at Federal, state, and local levels--but it is imperative if we wish to carry out a developmental type of service appropriate for both child and parent. The model code on health and sanitation recommends that no single physical facility accommodating more than 75 children during each 8 hour period be licensed and, in particular, that infants shall not be cared for in a facility serving more than that number of children.

If drop-in care is included as part of a program, the total number of children in care at any one time should not exceed the licensed capacity.

If several centers of 60 to 75 children were located in fairly close proximity, especially if there were also smaller facilities such as family-type homes nearby, a considerable staff saving might result by using the same expensive, top-level staff to serve the entire group of facilities, allowing the development of special programs such as health services and the use of special teachers and/or care-givers for children with different types of handicaps.[11]

3. Certain health-related aspects are totally lacking, or inadequately handled in present licensing requirements.

a. The importance of mental health aspects of day care, especially with regard to the development of self-esteem, independence, and social competence, has not been properly delineated, especially with respect to the child under traditional nursery-school age. Our society has seen fit to emphasize the negative aspects of group child care, rather than the positive. If children learn at an early age that there are many kind, thoughtful, competent adults to help them develop, their world is enriched. In this respect infant care in a good setting or in day care home can be exceedingly important to both child and parent. We must stop thinking of day care as a second-rate service "to be provided for the poor and from which the rich should be protected"[12] and see it as the complementary child-rearing service it needs to be for many of our young families.

Although the following staff and program requirements are the responsibility of the staffing and program model code, they also need emphasis as part of health related aspects of the child care program. The inclusion of rocking-chairs in the furnishings, the provision of quiet places where a child may be undisturbed, and the provision of joint playtime for different age-groups during the day; the holding of infants for bottle-feeding; and the maintenance of child identity by providing at least his own hook for his coat and a drawer where he may keep his treasures--all of these have mental health importance. The way in which he is addressed by the adults, how his parents are greeted, how the necessary limit-setting is carried out, and whether the values and language of his own culture are respected and utilized as part of his day--all will determine how his own self-image is formed. The most important aspect of any day care setting is the adult staff--their own self-esteem and confidence, their flexibility, their genuine liking for children, and their

inexhaustible patience during the long day. Meaningful in-service training, adequate lunch-breaks and off-the-premise time during an 8-hour day will do much to help maintain staff morale and competence. These add to personnel costs but must be recognized as an important part of a successful program.

b. All types of individuals concerned with children in day care - from parents to caregivers to highly skilled professional - should have some knowledge of the basic health needs and health problems of young children. It is just as important to provide training for the child care staff in symptom detection, child development, and evaluation of the individual child as it is to require a source of health consultation. It is also important that at least one staff member be trained in first-aid procedures.

c. A plan for handling disasters or emergencies, should be developed, practiced, and regularly updated as a part of all day care programs. This includes not only the possession of a first-aid kit or fire extinguisher and the knowledge of how to use it, but also evacuation arrangements in case of fire or flood and knowledge of tornado, hurricane, and earthquake phenomena.

d. The integration of handicapped children (i.e. blind, deaf, mentally retarded, emotionally disturbed, orthopedically and otherwise chronically handicapped) has not been realistically dealt with in present licensing regulations. The code recognizes the value of including children with handicaps in "normal" groups. The presence of several handicapped children can conceivably affect staff function and the type of facility and health requirements needed. It is important to face this realistically, but we have few facts to go upon at present. The limited experience to date indicates that children with mild to moderate handicaps are best integrated into middle-sized groups (i.e. 13 to 40 children) and

that the less attention and stress put on them, the more likely the staff and other children will be to accept and truly integrate them. Children with more severe handicaps would be best cared for in smaller or special groups.

e. Evening and nighttime care for children whose parents work during those hours has not been mentioned in most licensing standards. During World War II, some of the Lanham Act Centers (e.g. the Center at the Kaiser Steel Works in Portland, Oregon) provided care around the clock during the three different work shifts. Their experience was that both parent and child benefitted from this time flexibility. More recently, hospitals operating day care centers for children of their staffs have found in general that it is unnecessary for them to remain open after midnight, since many of their employees choosing the night-shift do not have very young children.[14] In addition, the former hospital practice of insisting that nurses rotate shifts is gradually changing (albeit slowly). Health and sanitation aspects relating to programs caring for children during evening and night hours are little different from those concerning the child during the daytime hours, except in relation to whether more than one child could use the same crib or bed. A change of bedlinen is essential between children, but there is no problem created by using the same crib or other furniture.

f. Even where infants are involved, it has been found unnecessary to wash toys, furniture, and other types of materials daily to prevent cross-infection.[10] Infecting agents such as bacteria and viruses are quickly killed by drying, reasonable attention to personal hygiene such as handwashing by personnel, while washing of a particularly "gooey" toy should suffice. This type of practice cannot be mandated by licensing but should be a part of program planning, health consultation, and staff training.

g. Every community should have some organized source of health advice and/or consultation for day care programs. Details are spelled out in the Children's Bureau Publication #444, Children in Day Care, with Focus on Health,[13] and need not be reiterated here. This is part of program planning, not of licensing, but it would greatly facilitate the licensing process if such a community resource were available. Hopefully, such a source of health consultation providing for interdisciplinary communication and learning would be a part of a community child development committee.

4. Certain aspects of health and sanitation seem to be well-outlined in most State materials, in particular those relating to nutrition and environmental sanitation.

It is interesting to note the uniformity relating to nutrition, almost to the point of blandness, since little mention is made of attention to cultural food practices and habits and of allowing children to participate in appropriate parts of the menu-planning and food preparation.

TO SUMMARIZE: Federal and State licensing requirements should be simple, cover only the essentials, and provide for appropriate community development of the details. Manuals of recommendations, program experience, and practical suggestions should be prepared as separate resource material. Many of the suggestions contained in this long preamble belong most appropriately in such manuals.

B. Legal Foundation of the Model

All States and localities have health codes, medical and nursing practice regulations, and other legislation that prescribe to varying extents how the health of the individual or group be protected. It is impossible to search all aspects of all such regulations for their implications for the health and safety of young children cared for away from home during part of the 24-hour day. Much of present-day health practice in day care has evolved from regulations originally designed for the child in 24-hour institutions or foster care, or from those developed for the child in school. In the United States we have tended to translate already formulated codes from one group of children (or people) to another with only

minor adaptations and with little recognition of fundamental differences between groups. Health codes such as that in New York City have been very difficult to change and have inhibited new program development.

Some states have such detailed and rigid medical, nursing, and pharmacy practice codes that it may be difficult to allow sufficient flexibility in program development without changing some aspects of these codes. However, changes must be made and even now are being sought in order to develop more relevant health delivery systems. Such changes will ultimately be beneficial to day care programs. If anachronistic aspects of these codes are attacked from several standpoints change may come about more readily.

The fundamental premise of "parental rights" in determining the fate of their children has been challenged in various respects over the years and now is being even further scrutinized in relation to child abuse, the concept of the emancipated minor, etc. Day care, which does not challenge the legal rights of parents but actually offers a means of better community assistance in helping them with child rearing, may offer a way to cope more realistically with such problems as child abuse and other forms of neglect under the legal umbrella of the community's responsibility to protect and enhance the growth and development of its children.

C. Sources of Material in the Model Text

The basic working paper for the Task Force on Health and Sanitation utilized current licensing guidelines for day care homes and group day care homes, which had more of the flexibility and individuality that seems important in planning a new model code. Material in the code has been adapted or taken from regulations in the following states: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, New Mexico, North Carolina, Rhode Island, and Washington. In addition, all members of the Task Force drew upon their own experiences in various settings which have been closely related to day care licensing and/or program development, and which represent wide geographic diversity. A bibliography of pertinent references is included in the Appendix.

D. Form of Presentation of the Model

In this model, the regulation is stated, followed by the health reason, followed by an itemized list denoting the various ways in which satisfactory compliance shall be determined.

As a licensing model, this format gives clearly the various aspects of each regulation, with a precise description of what variations or interpretations can be allowed.

II. TEXT OF MODEL CODE

A. Personal Health of Children

1. EACH CHILD ENTERING DAY CARE SHALL PRESENT SOME TYPE OF EVIDENCE OF THE GENERAL STATE OF HIS HEALTH.

REASON: Day care should offer a means to protect and enhance the health and well-being of the child. Any condition present prior to his admission to the day care setting which would jeopardize his well-being or that of the group, or which needs correction to aid in his adequate development, should be known to the day care mother, the director of the larger center, or sponsor of the program.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. A child under regular care of a physician or health agency presents a statement signed by that physician or health agency that he is in good health, that any known special conditions are under treatment, that day care does not constitute a hazard to him, and that he does not present problems that the day care program would be unable to deal with. Such a statement would include the results of a tuberculin test within the prior six months,

or

b. A child not receiving regular care from a health agency or physician appears to be in good general health and the mother or responsible parent states that he has been in good general health and agrees to take part in the day care health program. The

day care program shall have a regular source of health consultation.

EXCEPTION to b. An infant (child under 12 months of age) who has not had a physical evaluation between the time of his discharge from the hospital of birth and his entrance into day care shall be referred to an appropriate source of health care for such an evaluation within two weeks of his admission to day care.

2. EACH CHILD ENTERING DAY CARE SHALL PRESENT EVIDENCE OF IMMUNIZATION APPROPRIATE TO HIS AGE AS PRESCRIBED BY HEALTH REGULATIONS IN HIS LOCALITY.

REASON: Immunizations offer protection against all serious epidemic diseases, and such public health services are available free of charge through local health departments or may be obtained at moderate cost from private physicians.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Immunization certificates signed by the physician or health department representative are on file for each child in day care,

or

b. The parent has presented written evidence that such immunizations have been completed (e.g. health record, immunization folder),

or

c. Where a satisfactory level of immunizations has not been attained, as determined by medical policy, it is the responsibility of the day care mother, operator, or sponsoring agency to assist the mother in insuring that the necessary immunizations are completed.

3. AT LEAST ONE ADULT CAREGIVER, THE DAY CARE MOTHER IN A SMALL GROUP OR ONE OF THE STAFF IN A LARGER GROUP, SHALL BE TRAINED BY MEANS OF AN APPROPRIATE COURSE OR JOB-RELATED EXPERIENCE IN OBSERVATION OF SYMPTOMS OF ILLNESS, IN TAKING ORAL OR RECTAL TEMPERATURES, AND IN ELEMENTARY PRINCIPLES OF FIRST-AID.

REASON: Acute illnesses, especially respiratory disease, are common in young children and accidents or emergencies require a cool head and prompt action. If moderately ill children are to be cared for in a day care setting, it is important that at least one of the adult staff be trained and experienced in evaluation of symptoms in individual children. Also, when handicapped children are accepted into day care an informed and competent caregiver can provide in-service training by example and explanation to other members of the adult staff.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. A licensed practical (vocational) nurse is a member of the caregiving staff who is experienced in working with young children, preferably in a variety of settings (not just a hospital), and has regular and readily available medical consultation,

or

b. A staff member has been trained through a community health aide program or a program developed especially for day care health needs by the Red Cross, a health department, or nursing or medical agency in the community and has regular and readily available nursing and medical consultation.

It is strongly recommended that option a. be selected if infants or a number of handicapped children are in the program and if the group is larger than 13.

4. ALL DAY CARE PROGRAMS SHALL HAVE A PROVISION FOR CONTINUING HEALTH CONSULTATION FROM AN APPROPRIATE COMMUNITY RESOURCE TO ASSIST IN DEVELOPING HEALTH POLICIES, IN KEEPING THEM CURRENT, AND IN PROVIDING OTHER SERVICES AS INDICATED. THERE SHALL BE A CLEAR UNDERSTANDING WITH PARENTS THAT SUCH A SERVICE IS PART OF THE PROGRAM. THE RECORD OF THE CHILD IN THE PROGRAM SHALL INCLUDE PERTINENT INFORMATION ABOUT HIS HEALTH STATUS, HIS DEVELOPMENTAL PROGRESS, AND ANY SPECIAL NEEDS AND EFFORTS TO MEET THESE NEEDS.

REASON: Infants and preschool children are in a period of rapid growth and development when many health problems can arise. During this period potentially handicapping conditions can often be detected and treated. Infants and toddlers are especially prone to become ill quickly and infections in this age group can have more serious implications than at older ages. It is important for the health consultation resources to work closely with sources of personal health care chosen by parents.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The responsible caregiving adult in the day care setting presents evidence (written or by telephone) that an arrangement has been made with a physician in private practice to provide such consultation, and that this arrangement is satisfactory with parents of the children,

or

b. A program under public or private auspices has made a contractual arrangement with a private physician or a non-profit health organization in the community to provide health care for children in the program,

or

c. There is already a mechanism existing in the community for the provision of health consultation service and arrangements have been made with it for this service,

or

d. The day care program or resource has a health advisory group that can serve in such capacity,

or

e. The source of medical consultation need not be the same as the source of primary health care. If they are different, the medical or nursing consultant shall review the primary health care received as it affects the child's functioning.

5. ANY TYPE OF "DROP-IN" OR PART-DAY INTERMITTENT CARE PROGRAM SHALL HAVE A PROVISION FOR CONTINUING HEALTH CONSULTATION FROM AN APPROPRIATE COMMUNITY RESOURCE.

REASON: Such programs, with a transient population, may inadvertently be the focus for the spread of various types of communicable disease (e.g. chicken pox, measles, etc.). It is impractical to require that all such children be screened on admission to the program (such one-shot type of evaluation is highly unreliable), but some consideration should be given as to how possible health hazards should be handled in these temporary care settings. In addition, the physical facilities used for such programs may be less than desirable in terms of space, availability of toilets, running water, type of staff, etc.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Some plan for securing developmental evaluations and preventive services for children frequently left in drop-in care is a goal. These services should approach the level of quality of services offered to children of similar ages in regular attendance in other programs in the area.

6. WHERE A DECISION HAS BEEN MADE BY THE DAY CARE PROGRAM TO ALLOW ADMISSION OF CHILDREN WHO ARE MODERATELY ILL, MEDICAL CONSULTATION SHALL BE AVAILABLE FROM THE ESTABLISHED SOURCE OF HEALTH CARE TO DETERMINE POLICIES CONCERNING HEALTH PRACTICES FOR THE PROGRAM. THE DECISION ABOUT CARE OF ILL CHILDREN AND THE HEALTH POLICIES SHALL BE EXPLAINED TO THE PARENT WHEN THE CHILD IS ENROLLED.

REASON: The care of ill children requires the development of detailed health policies and practices to cover plans for care, decisions about the administration of medication, maintenance of records and other similar responsibilities. A medical consultant who can assist the program in developing appropriate and up-to-date policies and practices and who can serve as a liaison with the child's source of personal health care, can provide the necessary continuity of care, as well as assisting the day care program staff as needed with advice and support.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied as under Item 4.

a. The responsible individual in the day care setting (director, day care mother, or health-trained care-giver has obtained the name of the nearest hospital or clinic where such care can be provided, has made arrangements with that facility to provide such care, and has obtained written permission from each parent to provide emergency care for the child,

or

b. The health consultant has made arrangements for such emergency coverage, and written permission from each parent is on file in the day care setting,

or

c. Health care is provided in the day care setting, and the written permission from the parent covering all aspects of health care is on file in the day care setting,

or

d. When a staff member accompanies a child to the source of emergency care, he shall stay with the child until the parent or his designee assumes the responsibility for the child's care. Such an arrangement shall not compromise the supervision of the other children in the program.

9. A DAY CARE PROGRAM THAT CARES FOR INFANTS AND TODDLERS SHALL INCLUDE IN ITS WRITTEN HEALTH POLICIES THE FOLLOWING ASPECTS: CARE OF DIAPERS, TYPE OF FEEDING, PROVISION FOR ADEQUATE CHANGES OF CLOTHING, PROVISION OF A CLEAN AREA FOR DIAPER CHANGING, PROVISION FOR BATHING OF INFANTS WHEN SOILED, THE TYPE OF BED TO BE USED AND CARE OF BED LINEN, CARE AND CLEANING OF TRAINING CHAIRS, SPECIAL SAFETY PRECAUTIONS, AND ANY OTHER ASPECT DEEMED NECESSARY BY THE DAY CARE STAFF AND HEALTH CONSULTATION SOURCE.

REASON: The care of infants and toddlers in a day care setting, especially in a group larger than 7, still has many unresolved questions of practicality, cost, and physical protection. Only by requiring each setting to address itself to these questions can a community be assured that the practical aspects of care and health protection of these young

children are being realistically assessed.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Written plans covering the itemized details are available, are made known to parents, and are understood by each adult or teen-age individual providing care to children in the program.

b. Such policies shall be regularly reviewed either in part or in total on a prescheduled basis.

10. WHEN CHILDREN WITH HANDICAPS ARE ADMITTED TO DAY CARE WITH NORMAL CHILDREN, THE SPECIAL NEEDS OF ALL SHALL BE PROVIDED FOR.

REASON: The integration of handicapped children (blind, deaf, mentally retarded, emotionally disturbed, and orthopedicallly or otherwise chronically handicapped) has not been realistically dealt with in present licensing regulations. Although schools have long known the value of and followed the practice of including children with handicaps in "normal" groups, this has not yet been widely applied to day care. If a program takes infants into care, it may not be possible to determine whether the child is handicapped until some time after the child's admission. There is value in both the normal and the handicapped child growing up together.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

them to the parents' attention; and includes in any parents' meeting or individual conference discussions relating to the individual child's needs and parents' wishes.

It is recommended that a center of 60 children or more include a part-time nutritionist on its staff, or share one with other centers or a cluster of day care settings including both small and large groups.

C. Mental Health of Children

1. THE INTERACTION BETWEEN ADULTS AND CHILDREN IN A GROUP CARE CENTER SHALL PROVIDE AN ACTIVE RATHER THAN A PASSIVE LEARNING SITUATION, PROMOTE SELF-RELIANCE, AND ENCOURAGE THE DEVELOPMENT OF SELF-ESTEEM AND SOCIAL COMPETENCE.

REASON: A child learns about himself and his world much more quickly when he has the opportunity to participate actively: seeing, touching, talking, and testing as he learns. It is therefore essential to devise ways to involve the child physically and verbally in planned learning activities rather than limiting his participation to listening or watching.

Learning self-help skills and helping adults perform necessary tasks provides the opportunity for individual attention from an adult which may be lost in a group situation where it is often easier to "do for" children than to let them "do for" themselves.

Care must be taken to provide sources of imitative and active learning. The gratification of success the

child receives from it will contribute to his developing sense of personal competence.

Every child needs to feel that he is something special and to have this confirmed by the way caregivers treat him. In a large group situation care must be taken to address the child directly using his name. "Turns" which belong to him and will be remembered and respected, and a "place" and "things" that are his (i.e. a regular place at the table, a place to store his belongings, his own chair or symbol or cup) are equally important. The child's family, language, and culture are also a part of him. He feels that these too are good and acceptable if he sees his family treated with warmth and respect, if his names are pronounced as his family uses them (to substitute a more "pronouncable" name deprives the child of something that is part of his developing sense of identity), if at least some of the adults in the program talk and look as he does, and if at times the food he eats at home and the ways he does things at home are incorporated into the program's activities. All of these approaches help to confirm the value of what he already has, along with the value of things he encounters which are new to him.

contact with children, less restrictive requirements will suffice, while the total health of the regular caregivers is of much more importance.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Each adult in employment more than half-time shall have a pre-employment physical examination as a base-line for protection of employee and employer in matters of workmen's compensations.

b. Each adult presents written evidence of freedom from communicable tuberculosis as a result of a negative tuberculin test or a satisfactory chest X-Ray taken within 6 months of beginning child caregiving. Such tests should be repeated annually.

c. An adult with a health problem or one who has been under regular care of a physician presents a written statement from his personal source of health care that he or she has sufficiently good physical and mental health to care for young children.

or

d. The health consultant to the day care program provides the licensing agent with information that the adult is free of problems that would interfere with his daily responsibility for children or would present health hazard to a child.

or

e. If there is an already-prescribed community mechanism by which health-certification for day care personnel is obtained (e.g. through a local health department, nursing, or medical agency), the adult shall present written evidence that this health-certification has been obtained.

2. IN A DAY CARE SETTING OF ANY SIZE, THERE SHALL BE PROVISION FOR SUBSTITUTION FOR STAFF MEMBERS WHO ARE ILL. IN CENTERS CARING FOR 7 CHILDREN OR MORE THERE SHALL BE PAID SICK-LEAVE POLICIES ALLOWING COVERAGE BY REGULAR PAID SUBSTITUTES. SUCH POLICIES SHALL BE LIBERAL ENOUGH TO ALLOW ADULTS WITH ACUTE COMMUNICABLE DISEASE (i.e. FRESH COLD, GASTRO-INTESTINAL INFECTION, ACUTE SKIN RASH OF INFECTIOUS ORIGIN) TO ABSENT THEMSELVES OR TO BE RELIEVED OF CHILD CARE DUTIES DURING THE ACUTE PHASE OF SYMPTOMS.

REASON: The intimate circumstances of child care with very young children makes transmission of infectious disease from child to adult or vice-versa an occupational hazard of day care. Particularly in settings where children with moderate illness are cared for, the staff is likely to have an increased frequency of illness and be less able to carry out adequate responsibilities every day of the year.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. In a day care setting with 6 or less children, the adult(s) have a clear understanding with parents of the children regarding substitute care and make arrangements for coverage that are satisfactory to both the day care personnel and the parents.

b. In a day care setting caring for 7 or more children there is a provision for regular paid substitutes and a plan for coverage at times when staff members are ill and unable to be on duty.

c. Those programs having a regular source of health consultation shall include policies pertaining to staff health in their plans. Such policies shall include a regular pre-planned review of staff absences.

or other appropriate community resource; has been put in writing; and has been practiced at regular intervals.

b. The plan has been discussed with parents of children in the program and the written plan posted in the day care setting.

2. ACCIDENT PREVENTION SHALL BE INCLUDED IN STAFF TRAINING, IN WRITTEN HEALTH POLICIES, AND IN PLANNING THE ARRANGEMENT OF THE PREMISE AND OUTDOOR AREA; WITHOUT, HOWEVER, CAUSING ARTIFICIAL INHIBITIONS TO CHILD DEVELOPMENT AND PROGRAM PLANNING.

REASON: Accidents are the major cause of death and serious disability in children past 1 year of age. Many accidents can be avoided by adequate understanding of child development and protection of the child from harmful circumstances. There are many excellent resources for information about particular hazards at each age and measures for prevention that are equally applicable to a small home and to a large group.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisified if:

a. The care-giver in a group of 6 or fewer children possesses knowledge of activities of children at different ages and ways to avoid problems as evidenced by possession of materials from community or national groups discussing these problems, by her obvious attention to these details in her home, or by evidence of consultation with appropriate sources of information,

or

b. The program providing care for 7 or more children has similar information available from community or national

sources and has included this in staff-training, premise arrangement, and program planning.

c. The larger program, especially if caring for infants and toddlers and including handicapped children, has developed accident prevention practices appropriate to its program and based on authoritative sources, has made them available to staff and to parents both in writing and by personal discussion, and has kept them current.

3. THE PREMISES, BOTH INDOOR AND OUTDOOR, IN WHICH A DAY CARE PROGRAM IS CARRIED OUT, SHALL BE FREE OF ENVIRONMENTAL HAZARDS, SHALL BE CLEAN AND COMFORTABLE, AND SHALL PROVIDE FOR ADEQUATE SPACE TO MEET THE NEEDS OF THE CHILDREN.

REASONS: Sharp furniture edges, unfenced play yards, trash and debris, dirty floors, improper garbage disposal, and open heaters are all potential sources of injury to children. In addition, the atmosphere of a setting - whether it be under a shady tree or in a room full of color and light - is of major importance to the development of self-image, responsibility, and emotional well-being.

SATISFACTORY COMPLIANCE- This item shall be deemed to have been satisfied if:

a. The premises are free of rodents and vermin.

b. The outdoor space is fenced or has natural barriers such as hedges which would deter children from getting into unsafe areas.

c. There are no open drainage ditches, wells, or holes into which small children could fall.

REASON: Safe and potable water is one of our most important public health protections.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Water coming in to the premises comes from a municipal source, and the plumbing has been installed and is maintained in a manner approved by local plumbing codes,

or

b. A private water supply has been investigated and certified as safe by the responsible health authority, and the plumbing is installed in an approved manner as above.

5. IF RUNNING WATER IS NOT AVAILABLE IN THE DAY CARE SETTING, THE WATER SHALL ORIGINATE FROM A SOURCE APPROVED BY THE HEALTH AUTHORITY, SHALL BE TRANSPORTED TO THE DAY CARE SETTING IN CLEAN, SANITIZED, COVERED CONTAINERS, AND SHALL BE PROTECTED FROM CONTAMINATION.

REASON: It is important to provide water for hand-washing, cleansing of infants, and drinking for those drop-in centers which may not have running water in the room. In programs for migrants, on Indian reservations, and in some temporary programs, running water under pressure is not available. A clean, covered container may be used to transport water from the safe supply but it should be kept uncontaminated and transferred to smaller containers in a sanitary manner.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The original source of water is an approved, safe supply.

b. The container is cleaned and sanitized before each filling, or when it becomes contaminated.

c. The storage container is kept covered and water transferred to use containers in a sanitary manner.

6. TOILET, LAVATORY AND LAUNDRY FACILITIES SHALL BE PROVIDED FOR THE PROGRAM. THE TYPE OF FACILITY SHALL BE DETERMINED BY THE AVAILABILITY OF WATER UNDER PRESSURE.

REASON: Sanitary disposal of sewage is one of the most important and effective public health measures in prevention of disease. The importance of personal hygiene cannot be overemphasized; unless proper facilities are convenient and available, personal hygiene will be neglected. The use of child-sized toilets is unnecessary.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Sufficient water flush toilets are provided. The number of toilets and handwashing facilities to users are in the ratio of one to 15, provided that programs caring for 7 or more children have a minimum of 2 toilets. Indoor toilets are located in rooms separate from those used for cooking, sleeping or eating. All liquid wastes are disposed of in a manner complying with official sanitary requirements.

b. Privies may be used when water-carried sewage disposal is not available or feasible, in accordance with local requirements.

c. Hot and cold water under pressure are supplied to lavatory and laundry fixtures. Hot water temperatures do not exceed 120° F.

d. Laundry fixtures, if provided, are separate from food preparation areas and toilet rooms.

e. Safe step stools are provided to allow standard-sized toilets and lavatories to be used.

f. There are handwashing facilities in or immediately adjacent to the room in which infants sleep and also in close proximity to the diaper-changing area.

g. Training chairs are provided for use by children under 2 1/2 years of age. Training "potties" are emptied promptly and are washed with soap and water after bowel movements.

h. Basins and warm water for handwashing are provided in programs which are not supplied with water under pressure and are emptied promptly after use.

7. FOOD PREPARATION SHALL BE CARRIED ON IN A KITCHEN EQUIPMENT AND CLEAN-UP FACILITIES APPROPRIATE TO THE SIZE OF THE GROUP.

REASON: Safe food preparation requires kitchen equipment in good working order, with running hot and cold water and clean-up facilities in close proximity.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. In a setting where 6 or fewer children are in care, a family kitchen in good repair is available, separate from other rooms and with provision to keep children under 2 away from the food-preparation area. A domestic dishwasher is desirable; if not available, dishes must be rinsed under hot running water and allowed to drain dry.

b. In a setting caring for a group of 7 to 13 children, the same kitchen provisions are allowable, but a domestic dishwasher is part of the clean-up equipment. Where the water supply is not sufficient to

supply a dishwasher, a 3 compartment sink supplied with hot and cold running water may be substituted.

c. In a group larger than 13, and especially where a professional cook is employed, there is an appropriately sized stove and a heavy-duty dishwasher, with sufficient table-top space to allow for proper food preparation. In some programs, it may be necessary to install commercial kitchen equipment. As in b, a 3 compartment sink may be used where the water supply is not sufficient.

d. In a day care setting where kitchen facilities are not available, food brought in to the setting shall be transported in covered containers and not allowed to stand longer than 1/2 hour before being used. Such food should come from a food-preparation source meeting local health department standards.

8. FOOD PROTECTION SHALL BE CARRIED OUT TO ASSURE THE SAFETY OF THE SOURCE, PREPARATION AND DELIVERY OF FOOD TO THE CHILD FOR CONSUMPTION.

REASON: Wholesome, unadulterated food is necessary for the public health protection and well-being of children. The safety of such food can be assured only if it is obtained from reliable sources and is transported, stored, prepared and served in a clean manner.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Policies and practices are developed and carried out in a manner that insures that all food comes from approved sources and is protected from contamination during storage, preparation and service.

b. Policies reflect the accepted practices of local sanitary codes and shall be adapted to fit the needs of the program.

9. CLEANING OF THE PREMISES AND EQUIPMENT SHALL BE PERFORMED AS NEEDED TO PROTECT THE HEALTH OF THE CHILDREN AND STAFF.

REASON: Small children spend much time on the floor and a carpet or tile floor requires frequent cleaning (ranging from once a day to once a week, depending upon the size of the center, the community in which it is located, and the ages of children in care). Tables and other furniture should be cleaned as they become sticky and soiled - e.g. after meals, after dough or water play. Children often like to help with such clean-up and it can become a pleasant participating activity with the adults. It should not, however, become a "fetish", since a normal family home is often cluttered, dusty, and certainly not "sterile".

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The day care setting has necessary cleaning equipment (such as mops, scrub brushes and a domestic-type vacuum cleaner) and an appropriate plan for regular cleaning.

b. Toys, table tops, furniture and other similar equipment used by children are washed when they become gummy and sticky, or contaminated with matter such as food, nasal secretions or fecal material. Plain soap and water is an adequate cleansing agent.

c. Equipment used in food preparation and service are cleaned and sanitized after each use.

10. IF SWIMMING POOLS AND/OR WADING POOLS ARE PART OF THE FACILITIES, EQUIPMENT, OR PROGRAM, THEY SHALL BE CONSTRUCTED, MAINTAINED, AND USED IN SUCH A MANNER AS TO SAFEGUARD THE LIVES AND HEALTH OF THE CHILDREN.

Reason: The obvious safety hazard of drowning and the health hazards related to improper cleaning and maintenance of recreational pools dictate that such facilities be properly constructed, maintained, and supervised. These precautions are especially important in day care programs, since young children are involved who may not have learned to swim, or who cannot be appropriately instructed in water safety.

SATISFACTORY COMPLIANCE: This item shall be deemed to have been satisfied if:

1. A qualified life guard is on duty at all times when swimming pools are in use.

2. Swimming pools are fenced in accordance with accepted safety practices to prevent accidental or chance access by children or others not entitled to use the pool.

3. Wading pools are used only when an adult staff member trained in water safety procedures is present.

4. The number and ages of children using either swimming or wading pools is limited at any one time to allow appropriate supervision by the adult staff member or life guard.

5. The water in the pool is treated, cleaned, and maintained in accordance with sound health practices and regulations, as determined by the appropriate health authority.

6. Legible safety rules for the use of pools are posted in a conspicuous location and are read and reviewed at regular intervals by all staff members responsible for the care of children.

APPENDIX

REFERENCES CITED IN INTRODUCTION

1. Mico, Paul R. Head Start Health: the Boston Experience of 1965. in DISADVANTAGED CHILD, Vol II, ed. by Jerome Hellmuth. Brunner/Mazel, New York, 1968.

2. Based on current data given to the Task Force Chairman by the San Diego Head Start medical-dental coordinator, 1971.

3. There are numerous articles in the American Journal of Public Health and various Pediatric and Nursing Journals on this subject. Perhaps most relevant is the work of Frankenburg and Goldstein at the University of Colorado and that of Wingert at the University of Southern California.

4. Loda, Frank, Aabel, R. Evelyn, and Land, Margorie. The Health of Children in Day Care, prepared in mimeograph for the OEO publication DAY CARE, RESOURCES FOR DECISIONS, as background information for the chapter on Health Support in Day Care. Summer, 1970. (The OEO document is "in press" but not yet available.)

5. Dr. George Lamb at the UpState New York Medical Center has carried out studies of infectious disease experience of the children in the Syracuse Children's Center (formerly under the direction of Dr. Bettye Caldwell, and now headed by Dr. J. Ronald Lally). However, to our knowledge, this data has not yet appeared in print.

6. Keister, Mary Elizabeth. THE GOOD LIFE FOR INFANTS AND TODDLERS. (Report of the Demonstration Center at the University of North Carolina, Greensboro). Published by the National Association for the Education of Young Children, Washington D.C. 1970.

7. Loda, Frank Remarks at a panel discussion on Group Day Care for Children Under 3, Annual Meeting, American Public Health Association, Houston, Texas, October 1970.

8. Caldwell, Bettye M. Personal communication to A. Peters.

9. Peters, Ann DeHuff, Final Report on MCH/CC Research Grant #H-79 to Children's Bureau Research Grants Program, entitled "Health Needs and Health Care of Children in Day Care", July 1, 1969.

10. Personal Communication to A. Peters from Mrs. Margorie Land, Director of Operational Staff at the Frank Porter Graham Center and from Dr. Mary Elizabeth Keister, Director of the Demonstration Nursery at the University of North Carolina, Greensboro. 1970 and 1971.

11. Peters, Ann DeHaff. Chapter on 'Health Support in Day Care' for the OEO document DAY CARE, RESOURCES FOR DECISIONS. (See 4 above).

12. Bateson, M. Catherine. Creating an Environment. Paper presented at a symposium in honor of Lawrence K. Frank, Biennial Meeting of the Society for Research in Child Development, Minneapolis, April 1971.

13. Dittmann, Laura. CHILDREN IN DAY CARE, WITH FOCUS ON HEALTH. Children's Bureau Publication # 444, U.S. Department of Health Education and Welfare, Washington D.C. 1967. Chapters 2 & 3.

14. Correspondence between Dr. Peters and Day Care Program Directors of Hospital-based programs in Western States. Spring 1971.

A MODEL FOR THE ADMINISTRATION OF DAY CARE LICENSING

Developed as Part of an Overall
Day Care Licensing Study
Under the Direction of Sam J. Granato,
Chief, Day Care Office, Office of Child Development

TASK FORCE CHAIRMAN:

Mr. Gerald Hicks, Michigan Department of Social Services

TASK FORCE MEMBERS:

Professor Lela B. Costin, Jane Addams School of Social Work, University of Illinois
Mr. J. Richard Devlin, Office of Economic Opportunity
Mr. David Ditmer, Department of Social Services, Jackson County, Michigan
Mrs. Elizabeth Koster, Colorado Department of Social Services
Mr. Wayne Klish, Office of Child Development
Mrs. Henry Morgan, Day Care and Child Development Council of America
Miss Pat Shields, Sacramento County, California Welfare Department
Mr. Merle E. Springer, American Public Welfare Association
Mr. Richie Suzuki, California Department of Social Welfare

OCD Project Manager - Mrs. Dollie Lynch
OSD Project Manager - Mr. Claude Vincent, III

Project Consultant - CONSERCO, Seattle, Washington

INTRODUCTION

The intent of this model on the administration of a day care licensing program is to resolve some of the major problems which inhibit an effective administration of this important regulatory function. The problems are attributable to many factors at the state and local level. Perhaps the greatest impediment to effective functioning is the fragmentation of day care licensing responsiblity between various administrative organizations. This fragmentation has led to confusion about the purpose of licensing, role confusion between various agencies involved in the issuance of licenses, and to lack of clear regulations, policies and procedures.

Through this model, we hope we will have developed an administrative structure which is applicable anywhere in the country and a model which would play an important role in the expansion and improvement of day care services.

This proposal is designed to overcome the following major problems:

1. Inability to place responsibility on one administrative agency for licensing decisions.

2. Lack of coordination between agencies involved in the licensing process.

3. Varying regulations for issuance of day care licenses within the state.

4. Varying interpretive policies and procedures for licensing administration.

5. Confusion in regard to the job responsibilities of licensing staff.

Experimentation is needed to develop new processes for licensing which will insure protection of children, encourage increased program quality, and maximize licensing coverage. New administrative methods are particularly needed for licensing of family day care homes which are (1) reasonable enough to bring in the thousands of illegal family day care homes presently in existence, (2) feasible in use of state licensing staff without requiring a larger number of staff than can reasonably be expected to be provided by state legislatures without using staff in unproductive ways, (3) honest in the guarantee which can be offered the public about the quality of the service licensed and (4) acceptable to parents and providers.

Two such methods are:

A. Family Day Care Systems

A family day care system is a number of family day care homes which operate as part of an organized system with the automony and accountability lodged in the central administrative corporation offering ongoing training and supervision, a career ladder for family day care mothers, a focal point for parents to become involved in the system, and shared group activities for children on occasion. Such a system promises greater stability and quality than the independent licensing of homes. It is desirable to encourage the delivery of family day care through such systems. It would be useful to develop a demonstration in a few places to test whether the administration of family day care licensing would be more feasible if the day care center or another agency administering the family day care system could issue certificates that its satellite homes meet requirements and are part of the licensed family day care system with the license being issued to the system.

B. Registration as a Method of administering the Regulation of the Family Day Care Home.

Under this method no person would be allowed to provide family day care unless registered with the state licensing authority. A registered home would certify that it meets predetermined regulations. Such regulations would be distributed in attractive and usable form to users and providers of family day care. One requirement would be that parents be given copies of the regulations by the provider. The primary difference between this method of regulation and the traditional administration of licensing would be the concept that, in addition to the community, the child's parent is one of the primary persons to determine whether regulations are met, i.e., the provider certifys himself and it is up to those who use the service or the community to indicate if in fact the provider is meeting the regulations. Upon request of either the parent or the provider the licensing authority would be directed by the statute to assist the family day care home to meet the regulation. If the provider cannot or is unwilling to meet the regulations in a reasonable time the home will be dropped from the registry and penalties imposed.

This paper is presented in two major parts. Part I contains a summary statement of the major conclusions, and Part II contains a statement of each conclusion, followed by a discussion of the reasons for establishing that position. The major topical headings are:

I. Administrative Organization - General Considerations

II. Administrative Organization - Central Administrative Structure

III. Administrative Organization - Local Responsibilities

IV. Staff Selection and Development

V. Establishing Regulations for Day Care

VI. Evaluating Day Care Programs in Relation to the Regulations

VII. Consultation for Improvement of Day Care Services to Children.

PART I SUMMARY STATEMENT OF MAJOR CONCLUSIONS

I. ADMINISTRATIVE ORGANIZATION - GENERAL CONSIDERATIONS

A. THE PRIMARY AGENCY FOR THE LICENSING OF CHILDREN'S DAY CARE PROGRAMS SHOULD BE A STATE AGENCY WHICH, AMONG ITS RESPONSIBILITIES, HAS A MAJOR INTEREST IN AND RESPONSIBILITY FOR COMPREHENSIVE SERVICES TO CHILDREN AND THEIR FAMILIES. WHILE THIS AGENCY SHALL MAINTAIN COLLABORATIVE RELATIONSHIPS WITH OTHER STATE AGENCIES WHICH ALSO HAVE INTEREST IN CHILDREN'S DAY CARE AND STANDARD SETTING, THE AUTHORITY AND ACCOUNTABILITY FOR THE REGULATORY FUNCTION SHALL BE CLEARLY FIXED UPON THE ONE STATE AGENCY DESIGNATED AS PRIMARY IN DAY CARE REGULATION.

B. THE RESPONSIBILITIES FOR DAY CARE LICENSING SHOULD BE WITH A SPECIFIC IDENTIFIABLE LICENSING UNIT.

C. THE IMPORTANCE OF THE DAY CARE LICENSING FUNCTION SHOULD BE RECOGNIZED BY PLACING THE ADMINISTRATIVE OFFICER RESPONSIBLE FOR THE FUNCTION AT THE BROAD POLICY MAKING LEVEL OF THE DEPARTMENT HIERARCHY. THE MANAGEMENT RESPONSIBILITIES OF THE ADMINISTRATIVE OFFICER SHOULD NOT BE DILUTED BY HIS ASSIGNMENT TO OTHER NON-LICENSING FUNCTIONS.

D. THE STATUTORY RESPONSIBILITIES OF A DAY CARE LICENSING UNIT INCLUDE:

-ESTABLISHMENT OF REGULATIONS FOR DAY CARE LICENSING.
-EVALUATION OF DAY CARE PROGRAMS IN RELATION TO THE REGULATIONS.
-ISSUANCE, DENIAL OR REVOCATION OF LICENSES.
-ONGOING SUPERVISION TO INSURE CONFORMITY TO REGULATIONS.
-CONSULTATION TO INDIVIDUAL PROGRAMS ON THE ESTABLISHMENT AND IMPROVEMENT OF SERVICES TO CHILDREN.
-STIMULATING INTEREST IN THE COORDINATION AND IMPROVEMENT OF DAY CARE SERVICES AND PARTICIPATING IN THE ACTIVITIES OF GROUPS FORMED FOR SUCH PURPOSES.

E. EACH YEAR THE LICENSING AGENCY SHOULD DEVELOP A PLAN FOR MEETING ITS RESPONSIBILITIES FOR THE SUCCEEDING THREE YEARS. THE PLAN SHOULD INCLUDE:

-THE GOALS OR OBJECTIVES OF THE AGENCY.
-THE METHOD FOR REACHING THOSE GOALS, AND
-THE METHOD FOR MEASUREMENT OF THE EFFECTIVENESS OF THE OPERATION OF THE PLAN.

F. AN ADVISORY COMMITTEE ON DAY CARE LICENSING COMPOSED OF PARENTS OF CHILDREN IN DAY CARE, OPERATORS OF LICENSED DAY CARE FACILITIES, AND PROFESSIONALS IN THE FIELD OF CHILD DEVELOPMENT, HEALTH, AND FIRE SAFETY SHOULD BE ESTABLISHED AT THE STATE AGENCY LEVEL EITHER ON A CONTINUING OR AD HOC BASIS AS NEEDED. THE COMMITTEE SHOULD SERVE TO ADVISE THE STATE AGENCY, MORE SPECIFICALLY, THE LICENSING UNIT AND THE ADMINISTRATIVE OFFICER RESPONSIBLE FOR THE LICENSING PROGRAM, ON MATTERS RELATING TO THE UNIT'S STATUTORY RESPONSIBILITIES, ON REQUESTS FOR REGULATION WAIVERS AND ON DEVELOPMENT AND IMPLEMENTATION OF A THREE YEAR PLAN.

G. THE TOTAL COST FOR DAY CARE LICENSING, INCLUSIVE OF COSTS INCURRED BY COLLABORATIVE AGENCIES FOR INSPECTIONS AND APPROVALS, SHOULD BE MET THROUGH PUBLIC FUNDING.

H. LICENSING FEES SHOULD NOT BE CONSIDERED AS THE PRIMARY SOURCE FOR UNDERWRITING THE COSTS OF DAY CARE LICENSING.

I. THE WORK LOAD CARRIED BY EACH LICENSING REPRESENTATIVE SHOULD BE ESTABLISHED ON A STATEWIDE BASIS. THE WORKLOAD CARRIED BY A LICENSING REPRESENTATIVE SHOULD BE BASED ON AN EVALUATION OF THE TASKS ASSIGNED TO THE LICENSING REPRESENTIVE, THE TIME REQUIRED FOR THE PERFORMANCE OF SUCH TASK, AND THE FUNDS AVAILABLE TO UNDERWRITE THE ENTIRE LICENSING BUDGET.

II. <u>ADMINISTRATIVE ORGANIZATION-CENTRAL ADMINISTRATIVE STRUCTURE</u>

A. PROGRAM ACCOUNTABILITY FOR ALL DAY CARE LICENSES SHOULD BE ESTABLISHED STATEWIDE. THE ORGANIZATIONAL STRUCTURE SHOULD PLACE RESPONSIBILITY FOR BUDGETING, REGULATIONS, POLICY AND PROCEDURE AND PROGRAM PERFORMANCE EVALUATION AT THE STATE LEVEL.

III. <u>ADMINISTRATIVE ORGANIZATION - FIELD RESPONSIBILITIES</u>

see over

A. THE DAY CARE LICENSING FUNCTION WILL NOT BE EFFECTIVE UNTIL IT HAS LOCAL IDENTITY.

B. LICENSING REPRESENTATIVES MUST MAINTAIN A WORK LOAD WITHIN A SPECIFIC GEOGRAPHIC AREA WHICH IS SELDOM CHANGED. IF A WORK LOAD IN A GEOGRAPHIC AREA IS TOÓ SMALL TO REQUIRE A FULL TIME LICENSING REPRESENTATIVE, THE JOB SHOULD BE MADE PART-TIME RATHER THAN INCREASE THE GEOGRAPHIC AREA. OTHER FUNCTIONS SHOULD NOT BE COMBINED WITH THE LICENSING FUNCTION.

C. A LICENSING TEAM IS AN APPROPRIATE APPROACH TO THE EVALUATION OF NEW AND EXISTING DAY CARE FACILITIES.

D. FIELD RESPONSIBILITIES WILL BE CARRIED BY THE REGIONAL SUPERVISOR OF DAY CARE HOME LICENSING AND BY THE DAY CARE HOME LICENSING REPRESENTATIVES. THE FIELD AREA, DEPENDENT UPON SIZE OF WORKLOAD, MAY BE DEFINED AS ONE OR MORE COUNTIES. THEIR JOB DESCRIPTION SHOULD CLEARLY INDICATE THEIR JOB FUNCTIONS.

E. LOCAL RESPONSIBILITIES FOR THE LICENSING OF DAY CARE CENTERS WILL BE CARRIED BY THE REGIONAL SUPERVISOR OF DAY CARE CENTER LICENSING AND BY THE DAY CARE LICENSING REPRESENTATIVES.

F. THE USE OF AIDES TO THE LICENSING REPRESENTATIVES WILL STRENGTHEN THE DAY CARE LICENSING PROGRAM AND MAKE IT MORE RESPONSIVE TO COMMUNITY NEEDS.

G. A LOCAL ADVISORY COMMITTEE ON DAY CARE LICENSING SHOULD BE ESTABLISHED WHEN FEASIBLE TO ADVISE THE LICENSING REPRESENTATIVES IN THE AREA ON MATTERS CONSISTENT WITH THE FUNCTIONS TO BE PERFORMED AT THE LOCAL LEVEL AND TO COMPLEMENT THE WORK OF THE STATE ADVISORY COMMITTEE.

IV. STAFF SELECTION - DEVELOPMENT AND RETENTION

A. THE EFFECTIVENESS OF THE LICENSING UNIT WILL BE DIRECTLY MEASURED BY THE PERFORMANCE OF STAFF MEMBERS. IT IS THEREFORE IMPERATIVE THAT THOSE HIRED FOR POSITIONS WITHIN THIS UNIT BE PEOPLE WITH PROPER QUALIFICATIONS NECESSARY FOR THE SUCCESSFUL FULFILLMENT OF THEIR JOBS AS DESCRIBED.

B. A STRONG STAFF DEVELOPMENT PROGRAM MUST BE IMPLEMENTED IN ORDER TO IMPROVE THE LEVEL OF FUNCTIONING AND IN ORDER TO MEET THE OBJECTIVES OF THE DAY CARE LICENSING PROGRAM.

C. THE GENERAL GOALS IN THE STAFF DEVELOPMENT PROGRAM FOR DAY CARE CENTER AND DAY CARE HOME LICENSING STAFF SHOULD BE TO:

-IDENTIFY A CORE BODY OF KNOWLEDGE USEFUL FOR THE EFFECTIVE ADMINISTRATION OF LICENSING.
-SYNTHESIZE AND ORGANIZE EXISTING KNOWLEDGE SO THAT IT CAN BE COMMUNICATED MORE EFFECTIVELY.
-REINFORCE PREVIOUS AND CURRENT CHILD DEVELOPMENT KNOWLEDGE.
-DEFINE AND CLARIFY ROLES AND TASKS IN THE LICENSING PROCESS OF THE LICENSING REPRESENTATIVE AND THE LICENSEE.

-GIVE LICENSING REPRESENTATIVES SOME UNDERSTANDING OF BASIC SKILLS INVOLVED AS A CONSULTANT, GROUP WORKER AND COMMUNITY ORGANIZER.
-RELATE TRAINING MATERIALS TO RELATIVE AND INNOVATIVE DEMONSTRATION PROJECTS, AND
-EVALUATE EFFECTS OF TRAINING AND THE LICENSING REPRESENTATIVE'S UNDERSTANDING OF LICENSING FUNCTIONS AND BETTER ROLE PERFORMANCE.

D. IN ADDITION TO THE FOREGOING MATERIAL WHICH IS GENERIC TO THE LICENSING RESPONSIBILITY OF LICENSING REPRESENTATIVES FOR BOTH DAY CARE HOMES AND DAY CARE CENTERS, STAFF DEVELOPMENT FOR DAY CARE CENTER LICENSING REPRESENTATIVES SHOULD ALSO INCLUDE TRAINING REGARDING ADMINISTRATIVE OPERATION OF DAY CARE CENTERS, AND METHODS OF WORKING WITH BOARDS OF DIRECTORS OF DAY CARE CENTERS AND CONSULTANTS.

E. LICENSING REPRESENTATIVES MUST BE PROPERLY COMPENSATED ON THE BASIS OF THEIR EXPERIENCE AND TRAINING TO ASSURE THAT THEY REMAIN WITH THE LICENSING PROGRAM.

V. ESTABLISHING REGULATIONS FOR DAY CARE

A. THE DAY CARE LICENSING UNIT SHOULD HAVE PRIMARY RESPONSIBILITY FOR THE ESTABLISHMENT AND PERIODIC REVISION OF ALL DAY CARE REGULATIONS. THE PROCEDURE FOR ESTABLISHMENT OR REVISION OF REGULATIONS SHOULD INCLUDE FOUR PHASES:

-HISTORICAL ANALYSIS AND PREPARATION OF INITIAL DRAFT.
-AD HOC COMMITTEE REVISION
-COMMUNITY REVIEW AND SECOND REVISION
-PUBLIC HEARING, THIRD REVISION, PROMULGATION AND PUBLICATION.

B. STANDARDS ONCE ESTABLISHED SHOULD BE SUBJECT TO MAJOR REVISION ONCE EVERY FIVE YEARS AND SHOULD BE REVIEWED ANNUALLY BY THE LICENSING UNIT FOR POSSIBLE MINOR REVISION OR CLARIFICATION.

C. REGULATIONS COVERING FIRE AND HEALTH SAFETY FOR DAY CARE CENTERS AND FOR DAY CARE HOMES SHOULD BE DEVELOPED IN CONJUCTION WITH FIRE AND HEALTH OFFICIALS USING THE PROCEDURES PREVIOUSLY INDICATED, AND SHOULD BE PROMULGATED BY DAY CARE LICENSING UNIT STAFF.

D. WHILE LICENSING IS INAPPROPRIATE TO DAY CARE PROGRAMS OPERATED UNDER PUBLIC AUSPICES THEY SHOULD BE OPERATED AT A LEVEL AT LEAST AS HIGH AS THAT REQUIRED BY THE LICENSING STANDARDS.

E. THE STATE LICENSING UNIT SHOULD NOT ESTABLISH RECOMMENDED STANDARDS OR GOALS FOR A HIGHER LEVEL OF CARE. RECOMMENDED STANDARDS OR GOALS SHOULD BE THE RESPONSIBILITY OF NATIONAL STANDARD SETTING AND ACCREDITING ORGANIZATIONS.

VI. EVALUATING DAY CARE PROGRAMS IN RELATION TO THE REGULATIONS

A. THE POLICIES AND PROCEDURES EMANATING FROM THE STATUTE AND REGULATIONS FOR THE LICENSING OF DAY CARE PROGRAMS SHOULD BE ESTABLISHED AT THE STATE LEVEL AS STATEWIDE POLICY AND PROCEDURE.

B. THE POLICY AND PROCEDURES OF THE LICENSING UNIT SHOULD CLEARLY ESTABLISH THE STEPS IN THE LICENSING PROCESS. THE STEPS ARE: (1) THE APPLICATION, (2) THE STUDY, (3) THE APPROVAL OR REJECTION OF THE REQUEST FOR LICENSING, (4) SUPERVISION OF THE LICENSEE, AND (5) TERMINATION OF THE LICENSE.

C. REVOCATION OF LICENSES SHOULD BE HANDLED AT THE ADMINISTRATIVE LEVEL AND ACCORDING TO PROCEDURES SPELLED OUT CONSISTENT WITH THE ADMINISTRATIVE PROCEDURES ACT. THE RIGHT OF ULTIMATE APPEAL TO THE COURT ON DECISIONS REACHED BY THE LICENSING UNIT SHOULD BE CLEARLY ESTABLISHED.

D. THE POLICIES AND PROCEDURES OF THE LICENSING UNIT SHOULD BE IN WRITING AND AVAILABLE FOR REVIEW AT ANY TIME BY THE GENERAL PUBLIC.

E. POLICIES OF THE LICENSING UNIT SHOULD MAKE CLEAR THAT THERE IS A MANDATE FOR LICENSING REPRESENTATIVES TO ASSIST ANY AND ALL APPLICANTS FOR LICENSING IN MEETING THE LICENSING REGULATIONS.

F. AS A PART OF THE LICENSING REPRESENTATIVE'S TASK, THE LICENSING PREPRESENTATIVE SHOULD REVIEW ALL REQUESTS FOR ARTICLES OF INCORPORATION OR LICENSE TO SOLICIT FUNDS PRIOR TO THEIR APPROVAL BY THE APPROPRIATE STATE AGENCY.

VII. CONSULTATION FOR IMPROVEMENT OF DAY CARE SERVICES TO CHILDREN

A. A REGISTRY OF CONSULTANTS, INCLUDING PROFESSIONALS IN CHILD DEVELOPMENT, HEALTH, NUTRITION AND MANAGEMENT, PARENTS OF CHILDREN IN DAY CARE WHO HAVE SPECIAL KNOWLEDGE OF COMMUNITY AND CULTURAL NEEDS AND ATTITUDES, AND OTHERS WITH SPECIFIC SKILLS OR EXPERIENCES WHICH WOULD BE USEFUL

TO DAY CARE OPERATORS SHOULD BE ESTABLISHED AT THE STATE LEVEL AND MADE AVAILABLE ON THE LOCAL LEVEL. LOCAL COMMUNITIES SHOULD BE ENCOURAGED TO IDENTIFY SUCH CONSULTANTS, AND ORIENTATION SHOULD BE PROVIDED TO THEM BY THE LICENSING UNIT. LICENSEES AND APPLICANTS SHOULD BE INFORMED OF THE AVAILABILITY OF CONSULTANTS AND ORIENTED TO HOW CONSULTANTS CAN ASSIST IN HELPING THEM ATTAIN REGULATION COMPLIANCE AND PROGRAM IMPROVEMENTS. CONTINUOUS LISTING OF CONSULTANTS ON THE REGISTRY SHOULD BE BASED ON DEMONSTRATED INTEREST IN THE PROGRAM THROUGH PARTICIPATION IN ORIENTATION AND OTHER MEETINGS AND FREQUENCY AND QUALITY OF CONSULTATIONS PROVIDED.

B. THE LICENSING REPRESENTATIVE RESPONSIBLE FOR THE REGULATION OF DAY CARE PROGRAMS CAN ALSO OFFER CONSULTATION.

C. LICENSING REPRESENTATIVES WITHIN A COMMUNITY SHOULD ESTABLISH A STRONG ROLE IN THE IMPROVEMENT OF DAY CARE SERVICES. THIS ROLE SHOULD BEGIN WITH A COMMITMENT TO THE INVOLVEMENT OF PARENTS, AND PROFESSIONALS, AND OTHERS WITH SPECIFIC SKILLS OR EXPERIENCES AS CONSULTANTS, IN DAY CARE PROGRAMS.

D. THE LICENSING REPRESENTATIVE SHOULD PROVIDE LEADERSHIP IN DEVELOPING COMMUNITY AWARENESS OF THE NEED FOR CHILD PROTECTION THROUGH LICENSING.

E. AS A PART OF THEIR CONSULTATIVE RESPONSIBILITIES, THE LICENSING REPRESENTATIVE SHOULD DEVELOP A STRONG WORKING RELATIONSHIP WITH THE LOCAL ZONING, FIRE AND HEALTH SAFETY OFFICIALS AND SHOULD ASSUME A POSITIVE ROLE IN THE INTERPRETATION OF THE OBJECTIVES OF DAY CARE.

PART II

A DISCUSSION OF MAJOR CONCLUSIONS

I. ADMINISTRATIVE ORGANIZATION - GENERAL CONSIDERATIONS

A. THE PRIMARY AGENCY FOR THE LICENSING OF CHILDREN'S DAY CARE PROGRAMS SHOULD BE A STATE AGENCY WHICH, AMONG ITS RESPONSIBILITIES, HAS A MAJOR INTEREST IN AND RESPONSIBILITY FOR COMPREHENSIVE SERVICES TO CHILDREN AND THEIR FAMILIES. WHILE THIS AGENCY SHALL MAINTAIN COLLABORATIVE RELATIONSHIPS WITH OTHER STATE AGENCIES WHICH ALSO HAVE INTEREST IN CHILDREN'S DAY CARE AND STANDARD SETTING, THE AUTHORITY AND ACCOUNTABILITY FOR THE REGULATORY FUNCTION SHALL BE CLEARLY FIXED UPON THE ONE STATE AGENCY DESIGNATED AS PRIMARY IN DAY CARE REGULATION.

The primary agency should be at the state level because (a) government's responsibility to protect the rights and welfare of its citizens in matters related to the provision and use of services rests upon a benevolent exercise of the police powers of the individual states; (b) since day care as a facility or service to be regulated is a child-caring one, it may also be said to be an exercise of the doctrine of parens patriae -- the state acting as protector or ultimate guardian in matters affecting the the welfare of children; (c) a state agency can most feasibly give consideration to the characteristics and needs of the state and its children as these differ from other states; at the same time, a state agency can allow for a broad statewide assessment of child and family needs and provide for a consistent pattern of regulation, rather than a fragmented and inequitable one differentiated at the local level.

The following agency characteristics are essential to an effective child care regulatory program. All of these characteristics are not usually to be found in any one state department at present. (a) a clear concern and responsibility for child and family life greater than a responsibility limited to the licensing of occupations or services; (b) a demonstrated concern and responsibility for (or a clearly demonstrated potential for) the prevention of harm to children and the prevention of social impairments among citizens generally; service giving in the area of protective and developmental care; coordination of broad family and children's services; the upgrading of services for children and their parents; and a professional staff with training and experience which allows it to operate from a base of knowledge and skill related to a wide range

of needs of children and their families, such as knowledge and experience of early childhood education, child growth and development, and experience in methods of nurturing such growth through work with children in groups; professional orientation toward working with parents who have a role as decision makers; a philosophy of universal service to the total population of children in all families, rather than an orientation to problems or the prevention of problems; (c) regulatory responsibility for other licensing programs in the area of child care; (d) a field structure with a local identity; and (e) acceptance by the community at the grass-roots level.

Eighty-four percent of the states now have licensing authority for day care in the department of welfare.

Other states have established other agencies or have created new ones for this purpose.

3. THE RESPONSIBILITIES FOR DAY CARE LICENSING SHOULD BE WITH A SPECIFIC IDENTIFIABLE LICENSING UNIT.

This concept is supported by three basic premises:

1. The significance of the program is measured by its location within the departmental hierarchy.

2. Accountability requires being able to identify who or what groups make decisions.

3. Programs succeed or fail because of money availability. Therefore, the program must be specifically identified to receive proper funding.

Day care licensing may be placed within a bureau or division having licensing responsibility for all child care programs. Whenever day care licensing is placed in a bureau having broad responsibilities, it is extremely important that the organizational structure clearly identify responsibility and accountability for the day care licensing functions.

A national study of day care licensing co-sponsored by the Office of Child Development and the Office of Economic Opportunity points out that one of the problems inhibiting

application of day care is a widely dispersed authority and weak control over licensing decisions. 1/

E. THE EFFECTIVENESS OF THE DAY CARE LICENSING FUNCTION SHOULD BE SECURED BY PLACING THE ADMINISTRATIVE OFFICER RESPONSIBLE FOR THIS FUNCTION AT THE HIGH PUBLIC WELFARE LEVEL OF THE DEPARTMENT HIERARCHY. THE RESPONSIBILITIES OF THE ADMINISTRATIVE OFFICER SHOULD NOT BE DILUTED BY HIS ASSIGNMENT TO OTHER NON-LICENSING FUNCTIONS.

As previously indicated, the relative significance of the program is measured by its location within the departmental hierarchy. It follows that the spokesman for day care licensing must be an effective voice for this program, which he can be only if he has access to and is part of the decision making process at the highest level within the department.

The chief administrative officer for day care licensing must be clearly identified as carrying the total day care licensing responsibility. To broaden his job responsibility to include responsibilities for day care operational programs or child placement only tends to confusion as to his responsibility, which is regulation of day care licensing programs.

three offices then not. The day care licensing unit has been placed in a bureau or division having broad child welfare responsibilities. Usually included in this bureau are responsibilities for the placement of children in day care. As a result, the need for placement for children has received priority over the need to protect children through licensing regulation. Responsibilities for regulation of day care programs is incompatible with responsibilities for placement, and therefore to avoid priority conflict between regulation and placement difficulties, separate administrative officers should be responsible for each program.

1/ District and Administrative Services and Systems Association in consultation with Consulting Services Corporation, Evaluation Report: State Day Care Licensing Requirements, April 1971.

D. THE STATUTORY RESPONSIBILITIES OF A DAY CARE LICENSING UNIT INCLUDE:

--ESTABLISHMENT OF REGULATIONS FOR DAY CARE LICENSING.
--EVALUATION OF DAY CARE PROGRAMS IN RELATION TO THE REGULATIONS.
--ISSUANCE, DENIAL OR REVOCATION OF LICENSES.
--ONGOING SUPERVISION TO INSURE CONFORMITY TO REGULATIONS.
--CONSULTATION TO INDIVIDUAL PROGRAMS ON THE ESTABLISHMENT AND IMPROVEMENT OF SERVICES TO CHILDREN.
--STIMULATING INTEREST IN THE COORDINATION AND IMPROVEMENT OF DAY CARE SERVICES AND PARTICIPATION IN THE ACTIVITIES OF GROUPS FORMED FOR SUCH PURPOSES.

The licensing statutes in most states have given responsibility to the licensing authority in the six areas described above. While all the responsibilities are interrelated and must be integrated, each responsibility has unique purposes.

In this respect the Child Welfare League of America states that, "The licensing authority should have a responsibility for implementing the provisions of the law. This responsibility should include:

1. Assembling and maintaining evidence of facilities or persons complying with the licensing law.

2. Interpretation to the public, to organizations and persons, the illegality of operating without a license, the responsibility of the licensing authority, the process of obtaining a license and the penalties for non-compliance.

3. Acting as a source of information consultation, development and educational processes and materials supervision, and leadership for use by facilities and persons offering child care services.

4. Providing staff in sufficient number and with knowledge and skill to carry out responsibilities of the licensing authority.

5. Promulgating rules and regulations that implement legislative intent and that avoid discriminatory application of the law. 2/

E. EACH YEAR THE LICENSING AGENCY SHOULD DEVELOP A PLAN FOR MEETING ITS RESPONSIBILITIES FOR THE SUCCEEDING THREE YEARS. THE PLAN SHOULD INCLUDE:

--THE GOALS OR OBJECTIVES OF THE AGENCY.
--THE METHOD FOR REACHING THOSE GOALS, AND
--THE METHOD FOR MEASUREMENT OF THE EFFECTIVENESS OF THE OPERATION OF THE PLAN.

An orderly approach to planning for the future requires that any organization develop a statement of the objectives of its operation. Having established a statement of the objectives, which is no small task, the organization should then move to the establishing of the methods of reaching its objectives, including the budgetary resources necessary to carry out the objectives. Having done this, there must also be included a method for measuring the effectiveness of the total operation.

A method for analyzing whether the state and the children receive benefits from the licensing program must be developed. It is only on the basis of ability to improve the impact of licensing efforts that proper funding can be obtained.

F. AN ADVISORY COMMITTEE ON DAY CARE LICENSING COMPOSED OF PARENTS OF CHILDREN IN DAY CARE, OPERATORS OF LICENSED DAY CARE FACILITIES, AND PROFESSIONALS IN THE FIELD OF CHILD DEVELOPMENT, HEALTH, AND FIRE SAFETY SHOULD BE ESTABLISHED AT THE STATE AGENCY LEVEL EITHER ON A CONTINUING OR AD HOC BASIS AS NEEDED. THE COMMITTEE SHOULD SERVE TO ADVISE THE STATE AGENCY, MORE SPECIFICALLY, THE LICENSING UNIT AND THE ADMINISTRATIVE OFFICER RESPONSIBLE FOR THE LICENSING PROGRAM, ON MATTERS RELATING TO THE UNIT'S STATUTORY RESPONSIBILITIES, ON REQUESTS FOR REGULATION WAIVERS AND ON DEVELOPMENT AND IMPLEMENTATION OF A THREE YEAR PLAN.

2/ A Child Welfare League of America statement on "Licensing of Day Care Facilities," adopted by the Child Welfare League of America Board of Directors, June 3, 1965.

An advisory committee composed of those persons most intimately associated with day care -- parents, operators, professionals, and officials -- can be most helpful to the licensing agency and the director. A committee cannot only provide realistic advice regarding specific issues, but can also help the agency establish goals for the future and generate support necessary to reach goals. Such a committee may also be helpful as a "link" between the agency and community by which the agency may keep abreast of the attitudes and concerns of community members. Since licensing regulations should reflect what the community believes is necessary for protection of children, such a communication link is necessary.

G. THE TOTAL COST FOR DAY CARE LICENSING, INCLUSIVE OF COSTS INCURRED BY COLLABORATIVE AGENCIES FOR INSPECTION AND APPROVALS, SHOULD BE MET THROUGH PUBLIC FUNDING.

The administrative agency cannot go beyond the dictates of the law, but is obliged to carry out to the fullest extent the intent and provisions of the law. If insufficient funds are appropriated by the legislature, the program will be a halting one with frustrations and disappointments for all.

H. LICENSING FEES SHOULD NOT BE CONSIDERED AS THE PRIMARY SOURCE FOR UNDERWRITING THE COSTS OF DAY CARE LICENSING.

As a partial offset for the costs of day care licensing it may be appropriate to establish fees for licensing larger facilities (i.e., group day care homes and day care centers), but fees should not be charged for licensing family day care homes. As part of the state's responsibility for the protection of children, the basic cost of the day care licensing program should be met through general revenues.

I. THE WORKLOAD CARRIED BY EACH LICENSING REPRESENTATIVE SHOULD BE ESTABLISHED ON A STATEWIDE BASIS. THE WORKLOAD CARRIED BY A LICENSING REPRESENTATIVE SHOULD BE BASED ON AN EVALUATION OF THE TASKS ASSIGNED TO THE LICENSING REPRESENTATIVE, THE TIME REQUIRED FOR THE PERFORMANCE OF SUCH TASKS, AND THE FUNDS AVAILABLE TO UNDERWRITE THE ENTIRE LICENSING BUDGET.

Care should be taken by management not to establish unrealistic job descriptions for the tasks required of various positions. Sufficient staff must be provided to carry on the responsibilities assigned and assignments must be doable, otherwise, licensing representatives will individually decide what portions of the assigned job they are able to perform and, on the basis of these individually decided priorities, statewide service delivery becomes uneven. Unless there is a clear establishment of the time allocations necessary to carry on the job task and the assignment of staff based on this evaluation, then the problem of incongruity between job description and job performance will prevail.

II. ADMINISTRATIVE ORGANIZATION-CENTRAL ADMINISTRATIVE STRUCTURE

A. PROGRAM ACCOUNTABILITY FOR ALL DAY CARE LICENSES SHOULD BE ESTABLISHED STATEWIDE. THE ORGANIZATIONAL STRUCTURE SHOULD PLACE RESPONSIBILITY FOR BUDGETING, REGULATIONS, POLICY AND PROCEDURE AND PROGRAM PERFORMANCE EVALUATION AT THE STATE LEVEL.

In most states an organizational structure for day care licensing may appear as follows (see figure 1).

Several studies of day care licensing have pointed out the need for improvements in organizational structure. Prescott and Jones after careful analysis of day care licensing indicated that, "By far the biggest problem was related to difficulties which stem from the necessity of obtaining clearance from so many departments before a license is issued." [3] A later analysis sponsored by the Office of Child Development and the Office of Economic Opportunity found that, "The state licensing authorities indicated that the best ways of speeding up the licensing process, without loss of effective program control, are to increase the licensing staff, improve administrative procedures, reorganize local staff, and develop more clearly written state requirements, in that order." [4]

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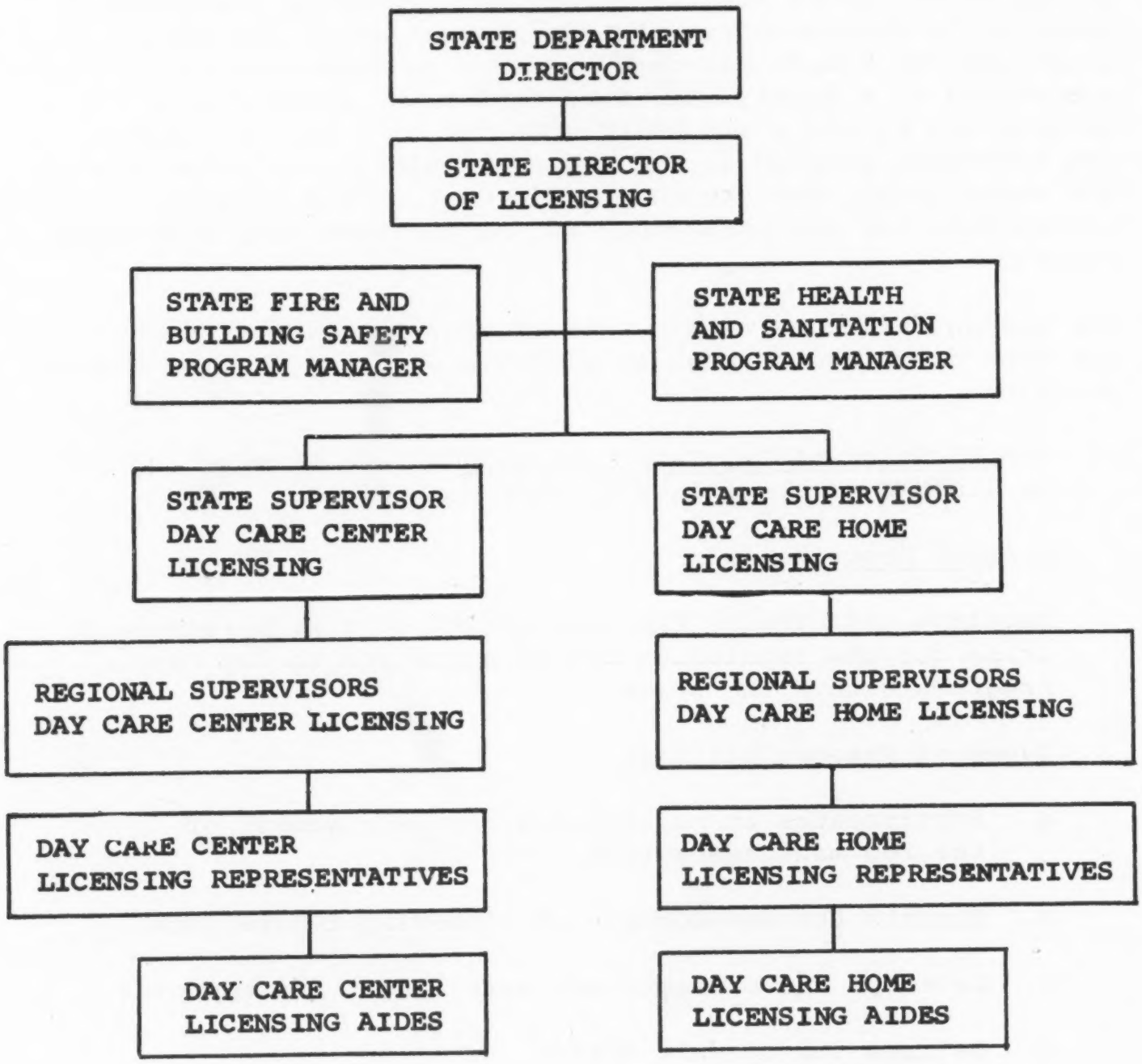
[3] Prescott and Jones, An Institutional Analysis of Day Care Programs, Part 2 (Pacific Oaks College, July 1970)

[4] Social and Administrative Services and Systems Association, op. cit.

Figure 1
ORGANIZATIONAL STRUCTURE
STATES WHICH ADMINISTER PROGRAM DELIVERY AT THE LOCAL LEVEL


STATE DEPARTMENT DIRECTOR
STATE DIRECTOR OF LICENSING
STATE FIRE AND BUILDING SAFETY PROGRAM MANAGER
STATE HEALTH AND SANITATION PROGRAM MANAGER
STATE SUPERVISOR DAY CARE CENTER LICENSING
STATE SUPERVISOR DAY CARE HOME LICENSING
REGIONAL SUPERVISORS DAY CARE CENTER LICENSING
REGIONAL SUPERVISORS DAY CARE HOME LICENSING
DAY CARE CENTER LICENSING REPRESENTATIVES
DAY CARE HOME LICENSING REPRESENTATIVES
DAY CARE CENTER LICENSING AIDES
DAY CARE HOME LICENSING AIDES

In some states where there is an organization which is county administered but state supervised, the local staff may be under the direct responsibility of the county director (see figure 2). However, here, as at the state level, it is important to make clear that this is not a child placement function, but a regulatory function and, therefore, the identity of individuals carrying licensing responsibility at the county level must be protected. In those instances where it is desirable for the administration of day care licensing for family day care homes to be delegated or contracted to a county, the funding for the staff should be provided by the state based upon the size of workloads, the licensing program in the county should be evaluated from the state level, and the county director should be held accountable for the efficiency of the day care home licensing program.

The responsibilities within this organizational structure are best described through an analysis of the jobs for various positions.

1. The Director of Day Care Licensing should have but not be limited to the following responsibilites:

   General Description

   Develops and directs the specialized unit with responsibilities for the regulation and consultation to day care programs within the state.

   Types of Responsibilities

   a. Participates in major decisions as a member of the top management team.

   b. Directs the development of licensing regulations.

   c. Develops and presents day care budget for approval.

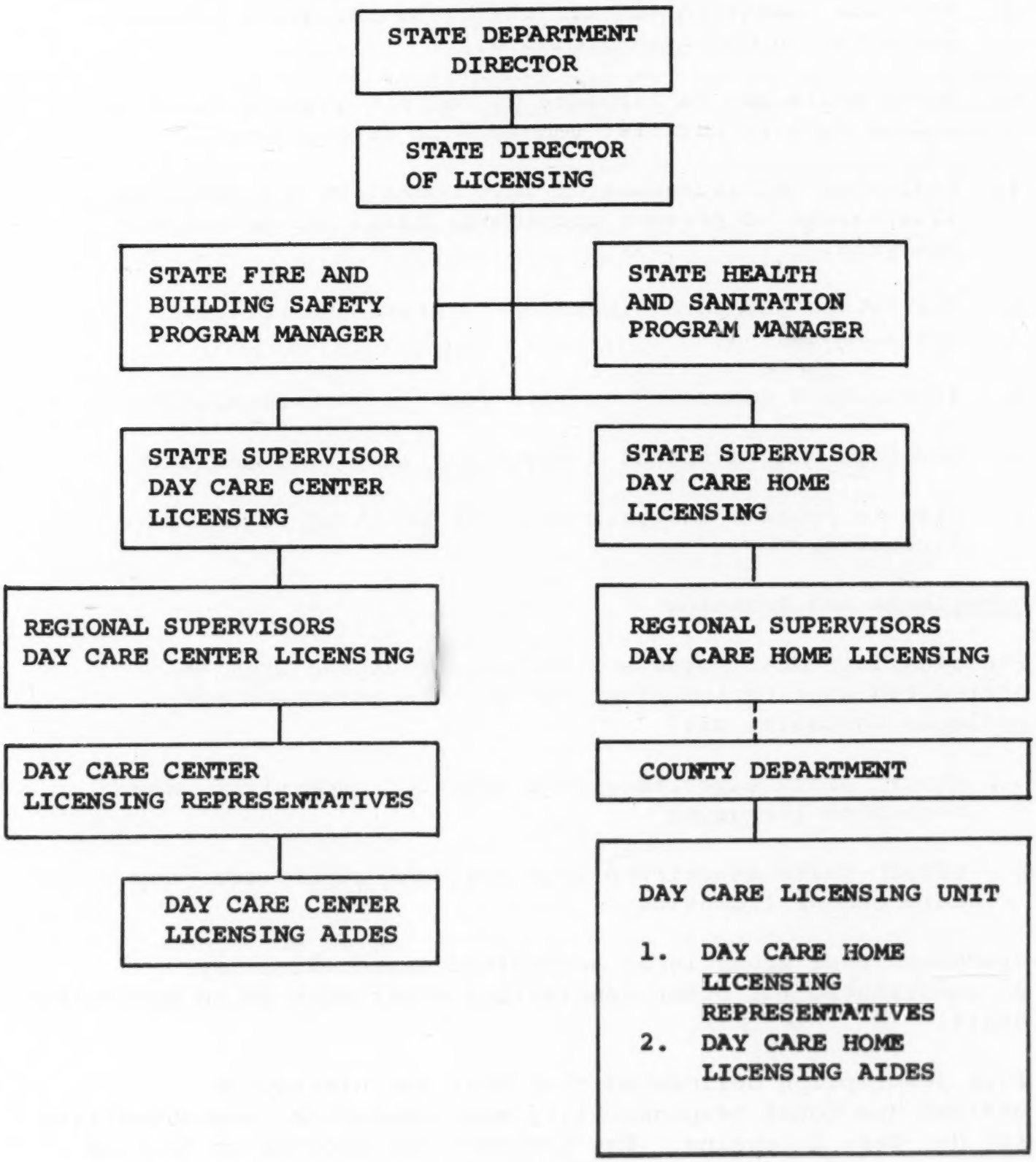
   d. Defines job of unit staff.

   e. Establishes state plan for day care licensing.

   f. Develops policy and procedure for carrying out division responsibility.

   g. Designs and directs staff development program of unit.

Figure 2
ORGANIZATIONAL STRUCTURE
STATES WHICH ADMINISTER OR CONTRACT FOR PROGRAM
DELIVERY THROUGH COUNTY UNITS


STATE DEPARTMENT DIRECTOR
STATE DIRECTOR OF LICENSING
STATE FIRE AND BUILDING SAFETY PROGRAM MANAGER
STATE HEALTH AND SANITATION PROGRAM MANAGER
STATE SUPERVISOR DAY CARE CENTER LICENSING
STATE SUPERVISOR DAY CARE HOME LICENSING
REGIONAL SUPERVISORS DAY CARE CENTER LICENSING
REGIONAL SUPERVISORS DAY CARE HOME LICENSING
DAY CARE CENTER LICENSING REPRESENTATIVES
COUNTY DEPARTMENT
DAY CARE CENTER LICENSING AIDES
DAY CARE LICENSING UNIT
1. DAY CARE HOME LICENSING REPRESENTATIVES
2. DAY CARE HOME LICENSING AIDES

h. Hires, supervises and evaluates performance of licensing unit staff.

i. Establishes cooperative working relationships with other governmental units.

j. Provides direction and assistance to the State Advisory Committee on Day Care Licensing.

k. Makes decisions on issuance of certain problem licenses and on certain denials, renewals or revocations.

l. Evaluates effectiveness of unit operation and develops alternative to present procedures based on operational analysis.

m. Represents day care licensing in state and national assignments.

n. Strengthens community support for day care licensing.

o. Develops and maintains a State Registry of Consultants.

p. Directs program analysis research relating to day care licensing.

Experience and Training

The candidate must possess a bachelor's degree from an accredited institution plus [12] years specialized experience inclusive of:

a. [Four] years experience as a regional supervisor, day care home licensing

or

b. [Four] years experience as a regional supervisor, day care center licensing.

Graduate level study in an accredited institution may be substituted for other specialized experience on an equivalent basis.

This description delineates that this administrative officer has total responsibility and, therefore, accountability for day care licensing. The pressure for success or failure cannot be transferred to another individual or to another agency.

This officer delegates responsibilities to four administrative officers under his direction. They are the state supervisor for day care home licensing, state supervisor for day care center licensing, program manager for health and sanitation, and program manager for fire and building safety. He coordinates the activities of all four of his subordinates and their programs in order that there is an efficient operation and a compatibility of one program to another.

2. The following job description is equally applicable to the State Supervisor of Day Care Center Licensing and to the State Supervisor of Day Care Home Licensing in relation to the respective areas of responsibility.

General Description

Directs the management of day care center or day care home licensing operations within the state.

Types of Responsibilities

a. Manages the development and revision of day care center or home licensing regulations, policy, and procedures.

b. Participates in the development of organizational structure and workload criteria for day care center or home licensing.

c. Participates in defining of jobs for division staff.

d. Hires supervisors and evaluates regional supervisors of day care center or home licensing.

e. Directs the design of staff development for day care center or home licensing staff.

f. Directs the implementation of staff development for day care center or home licensing staff.

g. Participates in the establishment of cooperative relationships with other governmental agencies.

h. Seeks advice of the State Advisory Committee on Day Care Licensing on questions relating to day care center or day care home licensing.

i. Makes decisions pertaining to issuance, denial, renewal, or revocation of problematic licenses.

j. Evaluates performance of day care center or home licensing program.

k. Represents day care center or home licensing in state and national groups.

l. Strengthens community support for day care licensing.

m. Makes recommendations for additions to State Registry of Consultants and assists in evaluating performance of consultants.

n. Participates in program analysis research on day care centers or day care homes.

Experience and Training

Candidates for these positions must possess a bachelor's degree from an accredited institution plus [Ten] years specialized experience inclusive of:

a. [Four] years experience as a regional supervisor in day care home licensing or

b. [Three] years experience as a regional supervisor in day center licensing.

Graduate level study may be substituted for other special experience on an equivalent year basis.

3. Day Care Program Managers for Health and Sanitation and for Fire and Building Safety will have the following responsibilities:

General Description

Establishment of regulations and collaborative planning for meeting of health and sanitation or fire and building safety licensing functions for day care centers and homes within the state.

Types of Responsibilities

a. Participates in the development and implementation of regulations in collaboration with health and sanitation or fire and building safety agencies as defined by the statutes.

b. Develops a state plan for coordinated effort with state and local health and sanitation or fire and building safety officials for the evaluation of day care programs and assists in problem solving and implementation.

c. Negotiates and monitors interagency agreement with agencies for reimbursement of costs in carrying out inspection of day care facilities when such an agreement is possible and desirable.

d. Administers day care licensing funds for health and sanitation or fire and building safety inspection costs incurred through an interagency agreement.

e. Represents the licensing agency's interest in state and national health and sanitation or fire and building safety organizations.

f. Participates in staff development within the licensing agency.

g. Participates in development of regulations, policy and procedures within the licensing agency.

h. Advises and assists the state supervisor of day care home or day care center licensing in making decisions on certain issuances, denials, or renewals or revocations of problematic licensees.

i. Participates in program analysis research in day care health and sanitation or day care fire and building safety.

Experience and Training

The candidates must possess sufficient professional training and experience to carry out the duties as described.

These five top administrative officers for day care licensing within the state assume the overall responsibilities for program budgeting, program regulation, program policy and procedures, program evaluation and staff development.

[illegible]. [illegible]

a. [illegible]

Organizational structure development on the basis of area-wide control of functioning must relate to the structure at the community level. The foregoing administrative structure is based on a strong presumption that except for the top level state, all states will be regionally and locally based. The states must become closely acquainted with the local community problems, must be actively involved in the local community in terms of their knowledge of and ability to operate for day care, and must participate at various levels in the strengthening of the local day care program.

b. [illegible]

The establishment of an effective structure for licensing is contingent upon working knowledge of the local situation by the licensing representative, and by knowledge that his job responsibilities will not be diluted by the assignment of activities other than those described in the job description for licensing representative. Job assignments on a specific geographic basis also allows for greater accountability and more precise evaluation of job performance. The licensing representative is able to establish continued relationships which will strengthen day care licensing and day care programs generally in the geographic area.

c. A LICENSING VISIT IS AN APPROPRIATE APPROACH TO THE EVALUATION OF NEW AND EXISTING DAY CARE FACILITIES.

Because of the problems in coordination of clearances with various authorities, the day care licensing representative, fire safety and health safety representatives, and the zoning representative in a specific area may well work together as a team in evaluating licensing requests for new facilities or for re-evaluation of existing facilities. Teamwork provides each member an opportunity to increase his knowledge of the other person's responsibility and close working relationships can be established, conflicts resolved, and decisions reached.

D. FIELD RESPONSIBILITIES WILL BE CARRIED BY THE REGIONAL SUPERVISOR OF DAY CARE HOME LICENSING AND BY THE DAY CARE HOME LICENSING REPRESENTATIVES. THE FIELD AREA, DEPENDENT UPON SIZE OF WORKLOAD, MAY BE DEFINED AS ONE OR MORE COUNTIES. THEIR JOB DESCRIPTION SHOULD CLEARLY INDICATE THEIR JOB FUNCTIONS.

1. A job description for the Regional Supervisor of Day Care Home Licensing may be as follows:

General Description

Provides direct supervision of day care home licensing staff at a regional or county level.

Types of Responsibilities

a. Supervises and evaluates a group of day care home licensing representatives in the performance of their prescribed job functions.

b. Participates in the development and revision of day care home standards policy and procedure.

c. Participates in defining work load criteria and job functions of day care home licensing representatives.

d. Participates in design and implementation of staff development for day care home licensing representatives.

e. Participates in establishment of cooperative relationships with other governmental agencies.

f. Provides direction and assistance to local advisory committees on day care licensing.

g. Makes decisions on issuance of certain problematic licenses and certain denials, renewals, and revocations.

h. Represents day care home licensing on state and regional groups.

i. Strengthens community support for day care licensing.

j. Makes recommendations for additions to the State Registry of Consultants, and assists in evaluation of consultants and plans and conducts orientation sessions for consultants and licensees.

k. Participates in program analysis research on day care home licensing.

Experience and Training

Candidate must possess a bachelor's degree from an accredited institution plus [six] years specialized experience inclusive of:

a. [Three] years experience as a day care home licensing representative, or

b. [Two] years experience as a day care center licensing representative, or

c. Equivalent experience as described for representatives, excepting that graduate level study at an accredited institution may be substituted for equivalent years experience without limitation.

J. The job description of the Day Care Home Licensing Representative may be as follows:

General Description

The day care home licensing representative provides licensing, consultation and training services to day care parents within a specific geographic area of the state. Individuals within this class perform all or a portion of the following duties based upon experience and training at job entry.

Types of Responsibilities

a. Standard Setting

1. Contributes information, on the basis of academic and work experience, to the development and revision of requirements for day care homes.

2. Serves on committees in review and revision of day care home requirements.

3. Works with the administrative staff at the local and state level in the development of policies and procedures for the licensing, consultation and training of day care parents.

b. Licensing

1. Evaluates existing day care homes against established licensing requirements on an ongoing basis.

2. Informs new applicants of the licensing requirements and assists them in meeting requirements.

3. Arranges fire and health evaluations where required.

4. Recommends licensing approval or denial.

5. Prepares reports for the department and the day care parent on facility compliance or non-compliance with the requirements.

6. Prepares testimony for hearings on limitations, denial or revocation of licenses.

7. Presents testimony at hearings.

c. Consultation and Training

1. Assists in the design of training programs for day care parents, and orientation meetings for consultants and licensees.

2. Participates in or directs training of day care parents within a geographic area of the state in understanding and meeting the developmental needs of children.

3. Orients licensees and applicants to the availability and utilization of consultants listed on the Registry.

d. Community Organization

1. Develops community awareness of the importance of day care home operations through the mass media and all other means available.

2. Stimulates the recruitment of day care home on a neighborhood basis.

3. Stimulates the development of day care parent organizations interested in furthering their accupation.

4. Works with local school districts, colleges, universities and other training programs on the development of training for day care parents.

5. Represents the department with local groups and agencies interested in day care.

6. Participates as assigned in the state on state and national groups interested in day care.

e. Staff Development

1. Assists in the design of staff development for day care home licensing representatives.

2. Participates in staff development administrative staff meetings for day care home licensing representatives.

3. Improves his own individual performance through independent development efforts.

4. Keeps abreast of current literature and developments in child development and day care fields.

Experience and Training

The candidate must possess a bachelor's degree from an accredited institution. In addition, the candidate should have evidenced aptitude for the day care field by demonstrated activities and interest in programe for young children. Direct experience in a day care program which furnishes specialized course work relative to day care licensing (e.g. child development, education, social work, sociology, psychology or day care at either graduate or undergraduate level) may be accepted as evidence of such aptitude.

The degree requirement may be waived for day care licensing aides who successfully complete not less than (four) years progressively responsible experience and who participate in a structured staff development program of the agency.

In the instance in which a program for day care home licensing is organized through a county administered, state supervised program, job functions of the regional supervisor of day care home licensing would be different from those contained in the above job description for the regional day care home supervisor. The reason for this difference is that in a county administered program the regional supervisor is responsible for program supervision but not for direct supervision of the day care licensing representatives.

3. The job description for the Regional Supervisor of Day Care Home Licensing (in a state supervised--county administered day care home licensing organization) may be as follows:

General Description

Provides management supervision of the day care home licensing program within the region

Types of Responsibilities

a. Participates as a member of management in the development and revision of day care home licensing standards, policies and procedures.

b. Interprets and clarifies standards, policies and procedures to administrators and licensing staff in the local offices.

c. Monitors and evaluates the day care home licensing programs in the counties within the region.

d. Makes decisions on problematic licenses as pertains to issuance, denial, renewal or revocation of licenses.

e. Investigates complaints and criticism about the day care home licensing within the counties and takes appropriate action.

f. Participates as a member of management in the development and implementation of staff development for day care home licensing staff.

g. Participates in the establishment and implementation of cooperative relationships with other governmental bodies and community groups.

h. Provides direction and assistance to local advisory committees on day care licensing.

i. Represents day care home licensing on state or national or regional groups.

j. Strengthens regional community support for day care licensing.

k. Makes recommendations for additions to the State Registry of Consultants, assists in evaluating consultants and plans and conducts orientation sessions for consultants and licensees.

Experience and Training

Experience and training requirements for this position are the same as for the position of regional supervisor within a state administered program.

In the foregoing job description, in addition to the responsibilities of licensing of day care homes and involvement in establishment of standards, policies, and procedures for day care licensing, we have placed a strong emphasis on recruitment of homes, strengthening of community support for day care homes and most specifically for consultation and training of day care parents.

In a study of day care homes in Michigan, it was found that mothers do not want more contact with their licensing workers than the infrequent contacts being provided at the time of the study. 3/ Additionally, the workers indicated no clear priorities in servicing the day care parent, the child in care or the natural parent. The study concludes by placing great importance on the role of the day care mother as a primary change agent within the system, and therefore that the day care mother should receive intensive training to perceive and carry out this role.

3/ Jaffrys, Gerald, and Gerald C. Hicks, Study of Foster Payment Foster Family Care, unpublished, 1968

E. LOCAL RESPONSIBILITIES FOR THE LICENSING OF DAY CARE CENTERS WILL BE CARRIED BY THE REGIONAL SUPERVISOR OF DAY CARE CENTER LICENSING AND BY THE DAY CARE CENTER LICENSING REPRESENTATIVES.

1. The job description of the Regional Supervisor of Day Care Center Licensing is identical to the job description for the Regional Supervisor of Day Care Home Licensing within the state administered program as previously described. The training and experience required are also identical and therefore this job discription is not repeated.

2. A job description for the Day Care Center Licensing Representative may be as follows:

General Description

The day care center licensing representative provides licensing and consultation services to day care centers within the specific geographic area of the state. Individuals within this class perform all or a portion of the following duties based on experience and training at job entry.

Types of Duties

a. Standard Setting

1. Contributes information on the basis of academic and work experience in development and revision of licensing regulations for day care centers.

2. Serves on committees in review and revision of day care center licensing regulations.

3. Works with administrative staff in the development of policies and procedures for the operation of day care center licensing and consultation unit.

b. Licensing

1. Develops working relationships with governmental officials in the strengthening of relationships for day care licensing service delivery within a geographic area of the state.

2. Evaluates new and existing day care programs against the established licensing requirements.

3. Informs new and existing licensing applicants of the requirements for licensing and assists them in meeting requirements.

4. Assists applicants in obtaining approvals from government officials.

5. Meets with day care center boards in review of licensing requirements.

6. Recommends licensing approval or denial.

7. Prepares reports for the department and the day care center indicating compliance or non-compliance with the licensing requirements.

8. Evaluates existing centers against licensing requirements on an ongoing basis.

9. Prepares reports for the department and the day care centers on their applications for licensing.

10. Prepares testimony for hearings on limitation, denial, or revocation of license.

11. Presents testimony at hearings.

c. Consultation

1. Offers recommendations to new applicants on site location and physical facilities organization for most effective programming.

2. Makes recommendations on proper staff program content and program evaluation.

3. Recommends directions for parent involvement at all levels of program operations.

4. Makes recommendations on furniture and equipment purchases, construction and utilization.

5. Assists in the design of staff development for day care center staff.

6. [illegible] directly in staff development as time permits.

7. Review recommendations from [illegible] including but not limited to budgeting, personnel positions, [illegible] and [illegible].

8. Review recommendations for [illegible] to [illegible] and [illegible] [illegible] as [illegible].

9. Recommend and encourage [illegible] [illegible] [illegible]

6. Works with local school districts, colleges, and universities and other training organizations in the development of training for day care center staff.

e. Staff Development

1. Assists in the design of staff development program for day care center licensing representatives.

2. Participates in staff development in administrative staff meetings for day care center licensing representatives.

3. Improves own performance through individual development efforts.

4. Keeps abreast of current literature and developments in the day care and child development fields.

Experience and Training

Candidates must possess a bachelor's degree from an accredited institution plus:

a. [Three] years experience in a day care program at an administrative level. or

b. [Three] years experience in the licensing of day care programs. One year of experience as a program staff member in a day care setting may be substituted for one of the three years of direct experience required.

Graduate level training in an accredited institution may be substituted for an equivalent year of specialized experience not to exceed two years with the remaining years experience to be drawn from either category (a) or (b) above.

The responsibilities of the regional supervisor of day care home and day care center licensing are almost identical, as are the responsibilities of the day care home and day care center licensing representatives.

Differences are in emphasis or priorities more than anything else. The supervisor and the licensing representative for day care homes assume a very active role in the implementation of training for day care providers. While the supervisor and the licensing representative for the day care centers should be actively involved in the development of training for day care center staff, they should not assume an active role in the implementation of staff development for day care centers.

F. THE USE OF AIDES TO THE LICENSING REPRESENTATIVES WILL STRENGTHEN THE DAY CARE LICENSING PROGRAM AND MAKE IT MORE RESPONSIVE TO COMMUNITY NEEDS.

Very often, the parents of children in day care, because of knowledge of the community and their evaluation of the care given to their children, are in an uniquely important position to assist in the evaluation of the effects of licensing operations. Additionally, as described in the following job descriptions, there are many functions which historically have been carried out by the licensing representatives that could be performed by other individuals who have required skills but not formal academic training.

1. A job description of a Day Care Center Licensing Aide follows:

General Description

The aide works with the licensing representative in mutually agreed upon ways in providing licensing and consultation services to day care centers within a specific geographic area of the state.

Types of Duties

a. Works with government officials in strengthening the relationships for day care licensing service delivery.

b. Prepares reports for the licensing representative on observations of programs and their compliance or non-compliance.

c. Evaluates site location and physical facilities.

d. Stimulates interest in the coordination and improvement of local day care services.

e. Participates in local day care groups.

f. Participates in design of staff development for aides.

g. Participates in staff development at staff meetings.

h. Improves own performance through individual development effort.

i. Prepares and presents testimony at appeal hearings.

Candidate must provide evidence of an aptitude for the day care field as measured by demonstrated activities and interest in programs for young children such as group care, and be familiar with the population in the area to which he will be assigned.

2. A job description for the Day Care Home Licensing Aide follows:

General Description

The aide works with the licensing representative in mutually agreed upon ways in the recruitment, licensing, consultation and training of day care parents in a geographic area of the state.

Types of Duties

a. Recruits day care parents and prepares reports of activities.

b. Works with licensing representatives in screening day care parents for possible licensing.

c. Works with licensing representative in evaluating homes for compliance with standards.

d. Assists in design and implementation of training for day care parents.

e. Participates in training of day care parents.

f. Develops community awareness of day care.

g. Works with day care parent organizations.

h. Participates in local day care groups.

i. Prepares and presents testimony at appeal hearings.

j. Assists in design and implementation of training for day care licensing aides.

k. Participates in staff development at staff meetings.

l. Improves own performance through individual development efforts.

Experience and Training

Candidates must provide evidence of apititude for the day care field as measured by demonstrated activities and interest in programs for young children, such as group care, and to be familiar with the population in the area to which he will be assigned.

Again, the job descriptions for these two comparable positions are similar for day care homes and for day care centers. The variance is in the area of recruitment. The day care home aide can assume an important role in the recruitment and development of day care homes within a specific geographic area, particularly if he is a resident of the area. Informal communication networks within a community can assist in the selection of proper individuals for the provision of care to children.

G. A LOCAL ADVISORY COMMITTEE ON DAY CARE LICENSING SHOULD BE ESTABLISHED WHEN FEASIBLE TO ADVISE THE LICENSING REPRESENTATIVES IN THE AREA ON MATTERS CONSISTENT WITH THE FUNCTIONS TO BE PREFORMED AT THE LOCAL LEVEL AND TO COMPLEMENT THE WORK OF THE STATE ADVISORY COMMITTEE.

Local advisory committees have the same validity as the state committee. However, as members of the specific local community, they are closer to the scene and more aware of the different attitudes which may prevail in the community. Because of this, a local committee can serve to interpret the particular needs of its community to the licensing unit

and assist in designing goals which are compatible with the specific community's needs. Local committee members should be considered for positions on the State Committee when vacancies occur, and opportunities should be arranged for local committee members to meet with their counterparts from other areas and with State Committee members in order to share information, discuss the progress of the licensing program, and identify regulations and procedures needing adjustment.

IV. STAFF SELECTION; DEVELOPMENT AND RETENTION

A. THE EFFECTIVENESS OF THE LICENSING UNIT WILL BE DIRECTLY MEASURED BY THE PERFORMANCE OF STAFF MEMBERS. IT IS THEREFORE IMPERATIVE THAT THOSE HIRED FOR POSITIONS WITHIN THIS UNIT BE PEOPLE WITH PROPER QUALIFICATIONS NECESSARY FOR THE SUCCESSFUL FULFILLMENT OF THEIR JOBS AS DESCRIBED.

The effectiveness of the licensing operation is contingent upon people carrying that function, and their ability to work well in the responsiblity which is part regulatory, part consultation and part community organization. Individuals selected for a licensing representative position within the unit should meet qualifications similar to those specified by Norris Class, "(1) they must be comfortable and skillful in working with policy, both in its application and its development, (2) they must be competent in reporting information to the department that will be helpful in further developing standards, policies and procedure. (3) they must be capable of establishing good community relationships, and (4) must be knowledgeable of good practice and advanced thinking in day care and child care." 6/

B. A STRONG STAFF DEVELOPMENT PROGRAM MUST BE IMPLEMENTED IN ORDER TO IMPROVE THE LEVEL OF FUNCTIONING AND IN ORDER TO MEET THE OBJECTIVES OF THE DAY CARE LICENSING PROGRAM.

Generally, individuals entering the licensing field have good credentials in terms of understanding the operational programs of day care; however, they may not be familiar with the problems of working in a regulatory process, of the difference between regulation and consultation, or of the role of the licensing worker as a community day care leader.

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6 Class, Norris E., "Licensing of Child Care Facilities by State Welfare Departments", Children's Bureau Publication Number 462, U.S. Department of Health, Education, and Welfare (Washington, 1968).

In the development of a staff training program, clear goals must be established. The responsibilities of licensing as outlined earlier in this report must be the major focus of such training. The licensing staff must clearly understand:

-The responsibility for operating within the legal structure.

-The responsibility for evaluation of programs in relation to specific regulations.

-The difference between licensing and consultation and the responsibilities and tasks of each.

-The role of the licensing representative and specific tasks to be performed.

C. THE GENERAL GOALS IN THE STAFF DEVELOPMENT PROGRAM FOR DAY CARE CENTER AND DAY CARE HOME LICENSING STAFF SHOULD BE TO:

-IDENTIFY A CORE BODY OF KNOWLEDGE USEFUL FOR THE EFFECTIVE ADMINISTRATION OF LICENSING,
-SYNTHESIZE AND ORGANIZE EXISTING KNOWLEDGE SO THAT IT CAN BE COMMUNICATED MORE EFFECTIVELY,
-REINFORCE PREVIOUS AND CURRENT CHILD DEVELOPMENT KNOWLEDGE,
-DEFINE AND CLARIFY ROLES AND TASKS IN THE LICENSING PROCESS OF THE LICENSING REPRESENTATIVE AND THE LICENSEE,
-GIVE LICENSING REPRESENTATIVES SOME UNDERSTANDING OF BASIC SKILLS INVOLVED AS A CONSULTANT, GROUP WORKER AND COMMUNITY ORGANIZER,
-RELATE TRAINING MATERIALS TO RELATIVE AND INNOVATIVE DEMONSTRATION PROJECTS, AND
-EVALUATE EFFECTS OF TRAINING AND THE LICENSING REPRESENTATIVE'S UNDERSTANDING OF LICENSING FUNCTIONS AND BETTER ROLE PERFORMANCE.

These general objectives are designed to assist the individual licensing representative in performing his job functions and to strengthen the licensing operation by providing a unified direction of purpose for all licensing staff.

Accomplishment of these objectives will require a period of months, beginning soon after the employee is hired. A variety of planned learning experiences, e.g. lectures, small group discussions, role playing, selected field experiences, visual aids, written and reading assignments, panel discussions and analysis of individual care, facility or community situation may be planned while the employee is on the job to further his training.

1. The first major segment of the staff development program encompasses an orientation to the nature and need for child regulation, the place of day care in a society, and the legal mandate for day care licensing.

   Major areas of staff development to be included are:

   a. The number and varying characteristics of children needing day care and their families and of the existing licensing facilities.

   b. The historical development of day care and preschool nursery education and current social, economic, and political characteristics of society which relate to day care.

   c. The intent and philosophy behind licensing statutes and regulations.

   d. The distinctions between and relationships among forms of regulations.

   e. State requirements, including the licensing statute, the licensing regulations, and the representative's role as enforcer and formulator of such regulations.

   f. The nature and constructive use of authority in the regulatory process.

   g. The rights of children, the nature of child advocacy, and the important relationship of these to the regulation of child care.

   h. An orientation to the basic social services for children and families, and to agencies which exist to provide these.

2. The second major segment of the staff development program is in the area of child development, with the objectives being to reinforce the licensing representative's knowledge of child development and family life, to relate the licensing process to the healthy development of children, to emphasize the meaning of supplemental care and to identify characteristics of day care facilities which foster favorable growth and development of children.

   Major areas of staff development to be included are:

   a. Understanding universal needs of children.

b. Understanding the developmental needs of children in physical, psychological and social areas.

c. Understanding the special needs of children and the need to refer some of them for treatment.

d. Understand the meaning of day care to the child, to the parent, and to the day care provider.

e. Understanding current knowledge of early childhood education including philosophical concepts and techniques for successfully nurturing the growth of children in groups.

f. Ways of identifying children with special needs; children who have a physical, emotional or mental disability, children who speak a language other than English, children who have severe family problems, or children whose environment is deprived. Understanding community resources to meet these special needs, and the reasons for including, whenever feasible, the child with a special need in a day care program designed for the total child population, for meeting his special needs in addition to, rather than instead of, the needs he shares with all children.

3. The third major area of staff development is an understanding of the licensing representative's basic task in the licensing process--application, study, and decision making in relationship to the approval or rejection of license.

   Major areas of staff development to be included are:

   a. Ways of helping the applicant understand the licensing jurisdiction and its authority and to utilize the licensing process in an effective way.

   b. Interviewing skills to assist in understanding the applicants and their situations; interpreting regulations and relating them to child development needs; and involving applicants in a discussion of their eligibility for license.

   c. Skill in assessing the individual's day care plans relating them to licensing standards, and in gathering evidence as to whether the various standards are or are not met.

d. Formulation of a summary judgment regarding the basis for approval or rejection for a license.

e. Use of agency staff, consultants, and other resources in the licensing process.

4. The fourth major area of staff development is related to supervision, consultation and the licensing process.

   Major areas include:

   a. The tasks involved in supervision and consultation.

   b. The difference between supervision and consultation.

   c. The method used in each.

   d. Group methods for training day care operators, parents or community representatives.

5. The fifth major area of staff development is related to community organization techniques.

   Major areas of staff development include:

   a. Means of assessing the characteristics of the community.

   b. Means of identifying representative community leaders and groups and recognizing their strengths and needs.

   c. Means of interpreting the licensing process to the community and securing increased support for it.

   d. Methods for coordination and improvement of community resources on behalf of children and their parents.

D. IN ADDITION TO THE FOREGOING MATERIAL WHICH IS GENERIC TO THE LICENSING RESPONSIBILITY OF LICENSING REPRESENTATIVES FOR BOTH DAY CARE HOMES AND DAY CARE CENTERS, STAFF DEVELOPMENT FOR DAY CARE CENTER LICENSING REPRESENTATIVES SHOULD ALSO INCLUDE TRAINING REGARDING ADMINISTRATIVE OPERATION OF DAY CARE CENTERS, AND METHODS OF WORKING WITH BOARDS OF DIRECTORS OF DAY CARE CENTERS AND CONSULTANTS.

   Major areas of staff development include:

1. Management methods regarding day care centers, including:

   a. Setting up for operations, revitalizing programs, and making use of community resources for help.

   b. Budget development and implementation.

   c. Involving parents in development of policy.

   d. Establishing an administrative organization, and personnel policies, including hiring, benefits, supervision, training, and grievance procedures.

   e. The use of volunteers in a day care program, training of staff.

   f. Equipment

   g. Food services

   h. Purchasing

2. Organization of a staff development program for day care center staff, including understanding curriculum development.

3. Methods of working with day care center boards, and the relationship of boards to funding bodies.

E. **LICENSING REPRESENTATIVES MUST BE PROPERLY COMPENSATED ON THE BASIS OF THEIR EXPERIENCE AND TRAINING TO ASSURE THAT THEY REMAIN WITH THE LICENSING PROGRAM.**

A study of day care licensing referred to previously found that, "existing standards are not interpreted uniformly from one year to the next, and from one geographic area to the next due to staff turnover and inadequate training programs."7

In each of the job descriptions and in the outline for staff development, it is perceived that once people have satisfactorily completed the staff development program established within the licensing unit, their competence will improve. They should be compensated accordingly. It is important that the staff within the licensing unit be stable because it is only on the basis of the establishment of continuing relationships at the local level that the licensing unit can effectively reach its goals.

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7 Social and Administrative Services and Systems Association, op. cit.

V. ESTABLISHING REGULATIONS FOR DAY CARE

A. THE DAY CARE LICENSING UNIT SHOULD HAVE PRIMARY RESPONSIBILITY FOR THE ESTABLISHMENT AND PERIODIC REVISION OF ALL DAY CARE REGULATIONS. THE PROCEDURE FOR ESTABLISHMENT OR REVISION OF REGULATIONS SHOULD INCLUDE FOUR PHASES:

-HISTORICAL ANALYSIS AND PREPARATION OF INITIAL DRAFT,
-AD HOC COMMITTEE REVISION,
-COMMUNITY REVIEW AND SECOND REVISION
-PUBLIC HEARING, THIRD REVISION, PROMULGATION AND PUBLICATION.

Regulations must be seen as the minimum protective level on the basis of which a license is granted. The application of licensing regulations is related to the concept of "prohibition-permission", that is, a service is prohibited except under conditions established by the licensing authority in the form of regulations. Such regulations describe the minimum performance required or expected of a day care facility. Those who wish to provide care for children require information relative to the specific regulations they must meet. Regulations should not be so high that they are unobtainable, or so low that they are not in the best interests of children.

According to B. Stumbras, Director of Bureau of Planning and Development, Wisconsin Department of Health and Social Services, licensing regulations in order to be effective must be:

1. Understandable to any citizen,
2. Specific enough that any person knows what is to be done, and what is not to be done,
3. Enforceable in that they are capable of measurement, and
4. Complete enough that they offer necessary protection.

It is important that those to be affected by the regulations once enacted are involved in their formulation. In the case of day care regulations, groups affected are: (1) the child in care or needing care, (2) his parents, (3) the provider, and (4) the community at large. The contributions of individuals in these groups must come early in the formulation of regulations before positions have been taken and viewpoints have congealed and are beyond modification.

1. The first phase in the establishment of regulations is an historical analysis in preparation of initial draft.

Members of the licensing unit should review suggestions made by the various staff members at all levels, review the standards presently in force in the various states and review the literature. On the basis of this review and analysis, a member of the staff, preferably the State Supervisor of Day Care Home Licensing, Day Care Center Licensing, or program manager for Fire and Building Safety or for Health and Sanitation should prepare an initial draft or redraft of the regulations.

2. The second phase is rewriting of the regulations by an Ad Hoc Committee.

Once the first phase is completed, the draft of regulations is submitted to an Ad Hoc Committee on standard establishment or revision. This Ad Hoc committee should consist of individuals from the four groups previously described, and members of the State Advisory Committee on Day Care Licensing, but should also include:

a. Members of the staff from the licensing unit at all levels,

b. Experts from child development, social work, education, nutrition, nursing, law, management, recreation, community planning, public health, fire safety and public information, who may be selected from the Registry of Consultants,

c. Elected representatives of organized day care associations,

d. Parents of children in day care, and

e. Key legislative representatives.

This group dividing its responsibilities into specific subgroups, would then review and revise the initial draft.

3. The third phase is community review and revision.

Having completed the second phase of the regulations development, the material then should be submitted to all affected parties within the state for their review of the draft material. They should be invited to suggest possible changes. This material should go to providers, to day care organizations, to other governmental units, to organizations interested in children's services and to representative parent groups. The staff of the licensing unit would then review

the suggestions and comments made by the community and share these comments with members of the Ad Hoc committee for a third revision of the proposed regulations.

4. The fourth phase is public hearing, final revision, promulgation and publication.

   Having moved to this stage of development, the regulations should be ready for public hearing and for further revision by the Ad Hoc Committee following the public hearing. Having been reviewed and approved by the Ad Hoc Committee, they are then ready for promulgation and publication.

B. STANDARDS ONCE ESTABLISHED SHOULD BE SUBJECT TO MAJOR REVISION ONCE EVERY FIVE YEARS AND SHOULD BE REVIEWED ANNUALLY BY THE LICENSING UNIT FOR POSSIBLE MINOR REVISION OR CLARIFICATION.

The licensing unit should keep a log of complaints, comments and concerns which have been expressed regarding the regulations. The log will provide a basis for major and minor revision of the regulations. Constant change in the regulations, however, should be avoided. Frequent minor revision can only lead to confusion on the part of the general public and lead to failure in compliance.

C. REGULATIONS COVERING FIRE AND HEALTH SAFETY FOR DAY CARE CENTERS AND FOR DAY CARE HOMES SHOULD BE DEVELOPED IN CONJUNCTION WITH FIRE AND HEALTH OFFICIALS USING THE PROCEDURES PREVIOUSLY INDICATED, AND SHOULD BE PROMULGATED BY DAY CARE LICENSING UNIT STAFF.

Health and fire safety regulations should be established on a statewide basis, when possible using the format previously indicated.

D. WHILE LICENSING IS INAPPROPRIATE TO DAY CARE PROGRAMS OPERATED UNDER PUBLIC AUSPICES THEY SHOULD BE OPERATED AT A LEVEL AT LEAST AS HIGH AS THAT REQUIRED BY THE LICENSING STANDARDS.

The state through the licensing agency should not establish regulations applicable to private day care operators which public agencies operating day care programs are unable or unwilling to meet. Although licensing is not the appropriate means of control of a public agency, it is consistent to require through administrative rule, that public agencies meet the licensing requirements. Any interested citizen or organization would then be in a position to raise a question about whether day care programs operated by a public agency are in fact meeting the minimum requirements established in their own administrative rules.

E. THE STATE LICENSING UNIT SHOULD NOT ESTABLISH RECOMMENDED STANDARDS OR GOALS FOR A HIGHER LEVEL OF CARE. RECOMMENDED STANDARDS OR GOALS SHOULD BE THE RESPONSIBILITY OF NATIONAL STANDARD SETTING AND ACCREDITING ORGANIZATIONS.

Too often recommended goals are confused with regulations by the general public and by the licensing representative. While it is desirable that recommended goals above the regulation level be established, it is more appropriate for these recommended goals or standards to be established by national standard setting organizations and published by them. It follows then that when a recommended goal is generally obtainable within a state and generally acceptable, it may well become a regulation.

As the licensing representative assumes the role of consultant, he will, by his experience and training, be aware of national goals or standards and be able to suggest these as resource materials to day care operators interested in providing a higher level of service. The representative may also suggest community consultants who may offer assistance.

VI. EVALUATING DAY CARE PROGRAMS IN RELATION TO THE REGULATIONS

A. THE POLICIES AND PROCEDURES EMANATING FROM THE STATUTE AND REGULATIONS FOR THE LICENSING OF DAY CARE PROGRAMS SHOULD BE ESTABLISHED AT THE STATE LEVEL AS STATEWIDE POLICY AND PROCEDURE.

In order to avoid inconsistency in interpretation of the statute and regulation by various subdivisions of the state and by various staff members involved in the licensing process, specific written policies and procedures should be developed at the State level for all staff units.

B. THE POLICY AND PROCEDURES OF THE LICENSING UNIT SHOULD CLEARLY ESTABLISH THE STEPS IN THE LICENSING PROCESS. THE STEPS ARE: (1) THE APPLICATION, (2) THE STUDY, (3) THE APPROVAL OR REJECTION OF THE REQUEST FOR LICENSING, (4) SUPERVISION OF THE LICENSEE, AND (5) TERMINATION OF THE LICENSE.

In phase one, the application process, it is the responsibility of the licensing representative to make clear to the applicant the statutes, regulations, and procedures whereby the license is obtained and to assist that applicant in meeting the requirements. As a part of this application process, the applicant should be assured of reasonable, prompt responses to his request regarding licensing.

In phase two, the consultant evaluates the total program on the basis of the application, including its facilities and proposed activities program. For new day care programs it is not possible to evaluate the program in operation, however, the facility and program plan as proposed should be reviewed in relation to statutory and regulatory requirements.

It is during this phase that a declaratory order may sometimes be required. Through a declaratory order, the licensing unit approves the opening of a program based upon the operator's agreement to meet the requirements for operation.

In the third phase the request for licensing is either approved or rejected or a provisional license is issued. In the case of the limitation of the license or the rejection of an application, it should be clearly established that more than one level of the licensing unit hierarchy has been involved in the decision. Written procedures should clearly indicate the appeal process for the licensee whose rights have been limited.

In the fourth phase, entitled "supervision of the licensee", the licensing representative evaluates the program as operated and ascertains whether or not it continues to meet the licensing requirements. Licensing supervision is based on the authority of the agency to evaluate programs once in operation in order to ascertain that they continue a program which meets minimum requirements. This process is particularly important in situations where licenses have been granted, but there are continued concerns as to the financial or operational approach planned by the licensee.

Licenses may be terminated on the basis of expiration or revocation. If the license is allowed to expire because the licensee fails to file a reapplication then regulatory action should be taken by the licensing unit; when an application is filed and a license is allowed to expire because of lack of action by the licensing unit, the license should remain in effect until such time as the licensing unit acts on the application.

C. REVOCATION OF LICENSES SHOULD BE HANDLED AT THE ADMINISTRATIVE LEVEL AND ACCORDING TO PROCEDURES SPELLED OUT CONSISTENT WITH THE ADMINISTRATIVE PROCEDURES ACT. THE RIGHT OF ULTIMATE APPEAL TO THE COURT ON DECISIONS REACHED BY THE LICENSING UNIT SHOULD BE CLEARLY ESTABLISHED.

Constitutional rights of affected people or associations are protected through the requirement of a public hearing preceded by advance notice with opportunity to identify hardship areas and

present an opposite point of view for consideration by the licensing authority. Procedures for hearings should be such that the conduct of the hearing is objective and dignified. A hearings agent such as an attorney should serve as the hearings officer for the department to assure that the hearing is conducted by a person or persons sufficiently removed to assure protection and freedom from bias. However the hearings agent should have some degree of familiarity with the subject area. The findings should constitute advice or recommendation for use by the department director in a final decision. Administrative procedures should be established to permit request for a court injunction in the event there is evidence of immediate danger to children.

D. THE POLICIES AND PROCEDURES OF THE LICENSING UNIT SHOULD BE IN WRITING AND AVAILABLE FOR REVIEW AT ANY TIME BY THE GENERAL PUBLIC.

Materials related to the licensing process, revocation of licenses and hearing procedures should be in pamphlet form and distributed widely to the general public. Policies in regard to the operation and interpretation of the regulations should be maintained in the offices of the licensing bureau and be available for public review at any time.

E. POLICIES OF THE LICENSING UNIT SHOULD MAKE CLEAR THAT THERE IS A MANDATE FOR LICENSING REPRESENTATIVES TO ASSIST ANY AND ALL APPLICANTS FOR LICENSING IN MEETING THE LICENSING REGULATIONS.

The licensing representative is in a unique position to assist the development of day care programs by seeming to assume protection of children, assisting applicants to qualify for a license, and assisting licensees to improve the quality of their programs.

The licensing representative may sometimes need to assist the applicant in dealing with another governmental agency.

F. AS A PART OF THE LICENSING REPRESENTATIVE'S TASK, THE LICENSING REPRESENTATIVE SHOULD REVIEW ALL REQUESTS FOR ARTICLES OF INCORPORATION OR LICENSE TO SOLICIT FUNDS PRIOR TO THEIR APPROVAL BY THE APPROPRIATE STATE AGENCY.

Although other governmental agencies have responsibility for issuing articles of incorporation and licenses to solicit funds, it is appropriate that these requests be reviewed by the licensing unit for recommendation. The licensing unit in this way is able to assess whether the request for incorporation is legitimate, whether the individuals requesting incorporation are of good character, and whether the program as they propose in their incorporation is consistent with the best interest of children.

VII. CONSULTATION FOR IMPROVEMENT OF DAY CARE SERVICES TO CHILDREN

A. A REGISTRY OF CONSULTANTS, INCLUDING PROFESSIONALS IN CHILD DEVELOPMENT, HEALTH, NUTRITION AND MANAGEMENT, PARENTS OF CHILDREN IN DAY CARE WHO HAVE SPECIAL KNOWLEDGE OF COMMUNITY AND CULTURAL NEEDS AND ATTITUDES, AND OTHERS WITH SPECIFIC SKILLS OR EXPERIENCES WHICH WOULD BE USEFUL TO DAY CARE OPERATORS SHOULD BE ESTABLISHED AT THE STATE LEVEL AND MADE AVAILABLE ON THE LOCAL LEVEL. LOCAL COMMUNITIES SHOULD BE ENCOURAGED TO IDENTIFY SUCH CONSULTANTS, AND ORIENTATION SHOULD BE PROVIDED TO THEM BY THE LICENSING UNIT. LICENSEES AND APPLICANTS SHOULD BE INFORMED OF THE AVAILABILITY OF CONSULTANTS AND ORIENTED TO HOW CONSULTANTS CAN ASSIST IN HELPING THEM ATTAIN REGULATION COMPLIANCE AND PROGRAM IMPROVEMENTS. CONTINUOUS LISTING OF CONSULTANTS ON THE REGISTRY SHOULD BE BASED ON DEMONSTRATED INTEREST IN THE PROGRAM THROUGH PARTICIPATION IN ORIENTATION AND OTHER MEETINGS AND FREQUENCY AND QUALITY OF CONSULTATIONS PROVIDED.

Although the licensing representative is a well-trained generalist in the area of day care, and able to assist day care licensing applicants and licensees in matters of compliance and program improvements, specialists are most valuable in this regard. Most communities have many skilled specialists or experienced individuals who can offer valuable assistance to day care planners and operators either in designing programs or solving problems. Often, because of their personal interest such experts will provide their services free of charge to public and non-profit operators. Sometimes their services are available through the agency or organization with which they may be associated. However, operators, when able, are usually pleased to pay for such services. A Registry of Consultants not only provides for identification of talents available in the State, but also provides some assurance as to the proven quality of expertise available. Knowledge by operators that only the names of those consultants who have demonstrated interest and skills are maintained on the Registry will engender confidence in referrals.

B. THE LICENSING REPRESENTATIVE RESPONSIBLE FOR THE REGULATION OF DAY CARE PROGRAMS CAN ALSO OFFER CONSULTATION.

Licensing representatives, because of their training and experience in the area of day care, are in a unique position to evaluate a program not only in relation to the regulations but also in relation to recommended goals or standards which are promulgated by national organizations. Because of their broad exposure to various day care programs within a geographic area, and the literature on day care and staff development, the licensing representative directly or through referral of consultants, is able to offer new ideas to operators to assist in solving problems or in improving services.

Assumption of the consultative role should always be on a <u>when requested</u> basis. The licensing representative must be clear as to the difference between his responsibilities as a regulator of day care programs and his role to assist them in the improvement of the level of their programming. If he is clear about the difference between these two roles, he will be in a better position to clarify this for others.

The consultation relationship develops over a span of time and relies on the licensing operator's skill and competence to assist in improving the program. Although they are frequently omitted in job descriptions, consultation responsibilities should have a fundamental place in the development of a sound licensing program.

C. LICENSING REPRESENTATIVES WITHIN A COMMUNITY SHOULD ESTABLISH A STRONG ROLE IN THE IMPROVEMENT OF DAY CARE SERVICES. THIS ROLE SHOULD BEGIN WITH A COMMITMENT TO THE INVOLVEMENT OF PARENTS, AND PROFESSIONALS, AND OTHERS WITH SPECIFIC SKILLS OR EXPERIENCES AS CONSULTANTS, IN DAY CARE PROGRAMS.

Consultation also means bringing unmet needs and gaps in services to the attention of planning groups and other professional persons in the community, and acting as a catalyst in the development of organizations for day care parents, day care centers and staff members. Parents of children in day care can be the most valuable advocates for community support of expanded day care and should not only be involved in such activities, but should be encouraged in taking leadership.

D. THE LICENSING REPRESENTATIVE SHOULD PROVIDE LEADERSHIP IN DEVELOPING COMMUNITY AWARENESS OF THE NEED FOR CHILD PROTECTION THROUGH LICENSING.

Public understanding of the importance of licensing is basic to support of legislation and to its implementation. Many people violate the provisions of licensing requirements because of their unawareness of the regulations or their sincere feelings that they are of no value. A program of community education regarding the importance of licensing, developed and directed by the licensing unit, but with active involvement of consultants, day care staff and parents in the development and implementation, should be carried out utilizing the resources of mass media as well as neighborhood information systems.

E. AS A PART OF THEIR CONSULTATIVE RESPONSIBILITIES, THE LICENSING REPRESENTATIVE SHOULD DEVELOP A STRONG WORKING RELATIONSHIP WITH THE LOCAL ZONING, FIRE AND HEALTH SAFETY OFFICIALS AND SHOULD ASSUME A POSITIVE ROLE IN THE INTERPRETATION OF THE OBJECTIVES OF DAY CARE.

Teamwork on the part of all officials involved in the licensing process is essential to timely and constructive decisions regarding the application and will greatly reduce confusion for the applicant.

According to the study made by Consulting Services Corporation for the Office of Child Development, "the points of delay attributed to government offices by state licensing representatives and the approximate number of days delay are as follows:

Fire inspection	65 days
Sanitary inspection	35 days
Health inspection	35 days
Zoning	50 days

A team approach can greatly reduce the number of days required to complete inspections.

BIBLIOGRAPHY

American Occupational Therapy Association. "The Consulting Process for Introducing Information": March 1969.

American Public Welfare Association. "Public Welfare Responsibilities for Child Care Licensing": Public Welfare, April 1963.

Child Welfare League of America. "Standards for Services of Child Welfare Institutions": 1964.

Child Welfare League of America Board of Directors. "Position Statement on Licensing of Day Care Facilities": June 3, 1965.

Children's Bureau, Department of Health, Education and Welfare. "Principles and Suggested Language on Legislation in Public Welfare and Social Services": 1957.

Class, Norris E. "Licensing for Child Care, A Preventive Welfare Service": Children, Sept.-Oct. 1968.

Class, Norris E. "Licensing of Child Care Facilities by State Welfare Departments": Children's Bureau, Department of Health, Education and Welfare Publication 462-1968.

Class, N. and Binder, G. "The Regulatory Responsibility in Public Welfare": Family Service Association of America: 1957-58.

Costin, L. "The Performance of Child Care Licensing Tasks": Public Welfare, October 1967.

Costin, L. and Gruener, J. Licensing of Family Day Homes in Child Welfare: Wayne University Press, 1965.

Emerson, Lola and Associates. "Teamwork in Licensing Children's Agencies": Children, July-August 1956.

Green, Rose. "The Consultant and the Consulting Process": Child Welfare, October 1965.

Great Lakes Licensing Workshop Proceedings: 2nd, 1961; 3rd, 1963; 5th, 1968; 6th, 1971.

Department of Health, Education and Welfare, Bureau of Family Service. "The State Agency's Responsibility for Local Operations": Administrative Supervision, 1964.

Hicks, Gerald G. "Licensing Power: Is Our Energy Output Measurable", 6th Great Lakes Regional Licensing Workshop, 1971.

Hicks, G. and Jeffreys, G. Michigan Department of Social Services, "A Study of Vendor Payment Foster Family Care", 1968.

Hughes, Edna, Specialist on Licensing, Child Welfare Programs, Department of Health, Education and Welfare, "Legal Base of Licensing".

Hughes, Edna, "Elements Essential to an Effective Licensing Statute".

Long, Russell R., Chairman U.S. Senate Committee on Finance, "Child Care Data and Materials": June 16, 1971.

Michigan Department of Social Services, Licensing and Consultation Division Planning Study, 1968, Gerald G. Hicks.

Nash, Bernard. University of Missouri Center for Community Development, "What is Consultation".

New Mexico Manual for Staff who License Day Care Facilities, 1969.

Prescott, E. and Jones, E. "An Institutional Analysis of Day Care Programs, Part II": July 1970.

Smith, I. Evelyn. Social Security Administration, Department of Health, Education and Welfare, "Development of the Licensing Function in Safeguarding Children", unpublished. January 1951.

A MODEL CODE FOR DAY CARE LICENSING

STAFFING AND PROGRAM REQUIREMENTS

Developed as Part of an Overall
Day Care Licensing Study
Under the Direction of Sam J. Granato,
Chief, Day Care Office, Office of Child Development

TASK FORCE CHAIRMAN:

Mrs. Virginia Burke, Cambridge Day Care Association

CONSULTANT TO THE TASK FORCE:

Mrs. Beverly McConnell, CONSERCO

TASK FORCE MEMBERS:

Mrs. Rubye Benson, Office of Child Development
Mrs. Adele Goldstein, National Association for the Education of Young Children
Mr. Richard E. Hinze, Ed. D., Living and Learning Centers, Inc., Waltham, Massachusetts
Miss Gertrude Hoffman, Social and Rehabilitation Service, DHEW
Miss Eleanor Hosley, Day Care Nursery Association of Cleveland, Ohio
Professor Elizabeth Prescott, Pacific Oaks College
Miss Margaret Ann Scott, Texas Department of Public Welfare
Miss Erika Streuer, Office of Economic Opportunity

OCD Project Manager - Mrs. Dollie Lynch
OEO Project Manager - Mr. Claude Kinard, III

Project Consultant - CONSERCO, Seattle, Washington

I. INTRODUCTION

The proposed model code states the regulation first, then gives the reason behind the rule, followed by an itemized list of observable conditions which may be used to determine satisfactory compliance. In most cases, the conditions of compliance provide flexibility by recognizing a variety of ways of meeting the desired end result of a sound program for children. The statement of reason provides guidance for the inevitable situations in which slightly unusual or unique circumstances apply, and judgment must be exercised as to whether the spirit, if not the letter, of the regulation has been met. The statement of reason is also meant to encourage voluntary compliance with the regulation, based on the expectation that most people will do what is best for children if a good reason can be given them as to why a specific regulation is important.

As will be seen in examination of the specific sections of the code, the flexibility of interpretation of reasonable compliance indicates circumstances in which "reasonable" will mean a more restrictive requirement, as well as circumstances which are less restrictive. For example, a higher staff/child ratio is required in day care facilities with high turnover to meet the adjustment problems of children and extra administrative burden for staff; requirements on indoor space in mild climates are less restrictive for facilities which make use of an indoor-outdoor capability. In either of these cases, the application of an arbitrary rule or ratio could not be equated with the maintenance of "high quality". The purpose in preparing the model code in this manner is to provide flexibility and place greater reliance on the exercise of judgment by the licensing representative in the expectation that this will provide the best protection for children.

Another aspect of the model code which requires some interpretive remarks concerns the importance of administration. It is important to recognize that there are many possible combinations of personnel utilization that could provide equally sound administrative patterns. The most common one is the autonomous center with a single director, qualified in providing both the management skills and the educational skills required for a good program. One variation would be

the coordinated network of centers, which provides some administrative functions and some training functions centrally. Another variation would be shared responsibility within a center, with one person providing administrative management and yielding authority to a head teacher on matters relating to curriculum and training. In recognition of these possibilities for shared direction of day care facilities, the qualifications necessary in administration and those required for supervision of a good educational program are indicated separately, providing several options which would permit different people, on-site and off-site, to be utilized to achieve the necessary combination of skills. At the same time, the Task Force recognizes that the person who is on-site must make day-to-day decisions and must have the authority to do so within designated limits so, in cases where backup in the area of program, training, or administration comes from another source, a certain minimum level of qualifications for the on-site person is also indicated.

The section on administration requires that responsibility for various aspects of the program be clearly established. A special burden will rest with the licensing representative in cases which are complicated because ownership, management, and direction are shared either within the facility or come from off-site. In order to be sure that the facility can be properly managed, the licensing representative needs to identify clearly who has both responsibility and authority for:

1. Program

   Design and Development
   Operation and Supervision
   Improvement

2. Personnel - Child Caring and Supportive

   Employment and Dismissal
   Supervision
   In-Service Training

3. Administration of Outreach Services

   Community Relations
   Recruitment and Home Visiting
   Transportation

A second aspect of the model code which needs to be elaborated upon concerns the dynamics of program. The adequacy of the program requires observation and evaluation of the interaction between children and staff, the organization and use of space and equipment, and the actual use of schedule and activity plans. To implement this belief that "how it works" is important, the standards provide for a two-stage licensing of new facilities. The first licensing is provisional to allow the facility to open. The full license is issued after it is possible to observe program operation and determine compliance with program requirements.

The section on program includes several sets of requirements relating to special types of programs: provision for school-age children, for infants and toddlers, for night care, and for drop-in centers. It is presumed that in most instances all aspects of the standards apply to all types of facilities, but these sets of requirements have attempted to single out modifications appropriate to special circumstances. The largest group of children whose parents work are in the age bracket 6 through 14 years; yet day care services for this group are negligible. The school age and preadolescent years are fraught with dangers in our current social scene, and the lack of adequate and appropriate guidance and care can lead to failure of society itself. The provision of services for infants and toddlers is also a critical need and a sound basis exists for believing that both group care and home care, with an appropriate staff and program, can provide fully for the needs of this age child. The protection of children in a drop-in center or in a center providing night care or some type of temporary service is just as important as the protection of the child in a different type of facility. All of these types of care need to be recognized and must be included within the model codes.

The final policy issue which needs special mention concerns staffing. Placing of children into homogeneous age groupings, which represents a carry-over from the traditional pattern of schools, is currently being challenged by the results of learning programs based on utilization of cross-age groupings. Establishing of standards with ratios of appropriate staff levels for children of different age groups tends to lock programs into this pattern, particularly when the use of a mixed age grouping carries the stipulation that the level of staffing must be determined by that required for the youngest child. Whether staffing needs to be geared to the age of the youngest child or somewhere in between will depend greatly on the age span of the children involved and the concentration of

children of one age or another. The standards presented in the model code allow for the exercise of judgment in determining staff requirements under such circumstances.

The application of a rigid formula ratio to all types of programs does not take into consideration the different ways the facility itself affects staffing. Small, cut-up rooms increase the difficulty of supervising children, and the distances to hand-washing or waste disposal facilities in some remodelled buildings can markedly increase the staff time required for all caretaking functions.

Similarly, inclusion of handicapped children or children with demanding emotional problems can affect the level of staffing necessary to reasonably meet the needs of children. A high turnover of children in a facility, as discussed in the section on drop-in care, requires more staff time to provide an equivalent level of care than that needed by a group of children who attend a facility on a regular basis.

The hours the facility operates dilutes the level of staff available at any one time, and the intrusion of non-child-caring functions further reduces staff time in facilities which do not provide adequately for these requirements in their staffing patterns.

For all of these reasons, the Task Force believes that protection of the needs of children and provision of a quality program requires standards which allow staff numbers and utilization to be related to programmatic requirements.

II. TEXT OF MODEL CODE

A. Organization and Administration

1. A DAY CARE FACILITY SHALL HAVE WRITTEN POLICIES COVERING THE FOLLOWING AREAS: THE TYPE OF SERVICE TO BE OFFERED TO CHILDREN AND PARENTS; AGES OF CHILDREN TO BE SERVED; HOURS OF OPERATION; MEALS AND SNACKS TO BE SERVED; PROVISION WHICH CAN BE MADE FOR SPECIAL NEEDS OF INDIVIDUAL CHILDREN; ADMISSION REQUIREMENTS AND ENROLLMENT PROCEDURES; FEES AND THE PLAN FOR PAYMENT; INSURANCE COVERAGE; REGULATIONS CONCERNING SICK CHILDREN, PROVISION FOR EMERGENCY CARE; REQUIREMENTS CONCERNING PERSONAL BELONGINGS BROUGHT TO THE FACILITY; TRANSPORTATION ARRANGEMENTS; PERMISSION FOR TRIPS.

REASON: Established policies and procedures facilitate consistency in administration, help promote better understanding with parents, and enable adults responsible for children to cope with emergency situations.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Written plans covering the itemized areas are available, are made known to parents, and are understood by each caregiver within the program.

2. THE ORGANIZATION OF EVERY DAY CARE FACILITY MUST BE SUCH THAT LEGAL RESPONSIBILITY AND ADMINISTRATIVE AUTHORITY ARE CLEARLY DEFINED.

REASON: Protection of children requires establishment of responsibility.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The person(s) legally responsible for the

day care facility supply the licensing representative with his name, address, and telephone number,

and

b. The person(s) legally responsible for the facility designate an administrator who is assigned specific authority and responsibility for overall administration and the quality of services offered. (The legally responsible person and the administrator may be the same.)

c. Day care facilities operated by an association, institution, or corporation shall provide written identification of the membership of the governing body or board, and maintain minutes of meetings in the office of the administrator. It is desirable that every non-profit day care facility have a governing body which is broadly representative of the community it serves, including parents of children served.

and

d. The governing body or board (1) determines policies and provides for their implementation; (2) selects and evaluates the performance of the director who administers the program; (3) assumes responsibility for adequate financing; and (4) interprets the service to the community.

3. SUFFICIENT FUNDS MUST BE AVAILABLE AT ALL TIMES TO INSURE CARE OF CHILDREN IN ACCORDANCE WITH STANDARDS.

REASON: Lack of financial stability may lead to a deterioration of services depriving children of the quality of care and protection which the licensing process was designed to protect.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The facility submits a written budget based on

a realistic estimate of costs for all functions and activities.

and

b. The governing body or person(s) legally responsible for the center are able to demonstrate financial capability to operate for not less than three months.

4. THE DUTIES AND RESPONSIBILITIES OF ALL STAFF AND THE LINES OF AUTHORITY AND RESPONSIBILITY WITHIN THE DAY CARE FACILITY SHALL BE CLEARLY ESTABLISHED.

REASON: Sound personnel management practices can avoid dissatisfaction among staff which might detract from their attention to the needs of children.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The person(s) legally responsible for the facility, through their delegation of power to the person administering the program, demonstrate that reasonable care has been taken to confirm the character and suitability of all staff working with children.

In selecting staff it is desirable to have both men and women on the staff of all programs.

b. The day care facility has a director or assistant director at the site who is responsible for direction of other staff and in charge of the program. A line of authority is established so that it is clear who assumes this responsibility at any time when the director is temporarily absent.

c. In the selection and plan for utilization of staff the director is able to assure that at any given time each sub-group of children within the facility would be under the care of a person considered by the staff director to have sufficient

maturity and experience to warrant sole responsibility for the group.

d. At the time of employment each staff member is informed of his duties and is informed of the person to whom he is administratively responsible.

e. A day care facility employing three or more persons has written personnel policies which are given to each employee at the time of employment.

It is recommended that the statement of personnel policies cover the following:

Job description
Designation of the person to whom he is responsible
Conditions of employment: Salary; Hours of work; Sick leave policy; Holidays and vacation policy; Benefits offered, i.e., social security, insurance, retirement.

5. ADMISSION PROCEDURES DEVELOPED MUST PROVIDE THE CAREGIVER WITH SUFFICIENT INFORMATION AND INSTRUCTION FROM THE PARENT TO ENABLE THE CAREGIVER TO MAKE DECISIONS OR ACT IN BEHALF OF THE CHILD'S WELFARE.

REASON: Emergencies will arise when the caregiver must make decisions on behalf of the child, or when it would be necessary to contact the family or a designated alternate for assistance or instruction concerning the child. It is important at such times to have basic information immediately available.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Prior to admission of a child, the care-giver obtains written information from the person or persons legally responsible for the child covering the following items:

(1) The child's full name, birth date, and current address.

(2) The name and address of the parent or parents, or of the person(s) legally responsible for the child.

(3) Telephone numbers or instructions as to how the person(s) responsible for the child may be reached during the hours the child is in the day care facility.

(4) Names of persons authorized to take the child from the day care facility, and their address.

(5) Names, address, and telephone numbers of person(s) who can assume responsibility for the child if for some reason the parent cannot be reached immediately, in an emergency.

(6) Health information concerning the child (as specified in the model code standards developed for health and sanitation requirements).

6. A DAY CARE FACILITY MUST ESTABLISH AND MAINTAIN RECORDS SUFFICIENT TO DETERMINE THAT IT MEETS AND CONTINUES TO MEET LICENSING REQUIREMENTS. THE LICENSING AGENT SHALL BE NOTIFIED OF MATERIAL CHANGES IN THE SERVICE.

REASON: Any service undergoes change, and licensing agencies, in order to fulfill the purpose of protection of children, must be able to monitor services periodically, finding records sufficiently complete to allow adequate inspection. The facility must assume the responsibility of notification of material changes in order that this monitoring function may be carried out effectively.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. All written policies, written plans concerning staff or space utilization, and correspondence in relation to licensing are kept current and available.

b. Staff records are kept current which contain, as a minimum: identifying and emergency information; health clearances (see standards concerning Health); references; a statement of education, experience, and updated information on training received as well as evaluations of work performance since employment; a copy of any agreements given the employee concerning the terms of his employment.

c. Children's records are kept current with the information specified in item (5) above, plus any records relating to developmental progress of the child or to special problems.

d. Minutes of meetings of the governing body or other boards relating to the center are kept on file, and the names and addresses of the persons legally responsible for the facility, as specified in item (2) above, are kept current.

e. Financial records are maintained from which continuing compliance with item (3) above could be determined.

f. The person(s) legally responsible for the facility notify the licensing agency of material changes in the basis for licensing which would include: Change of person(s) legally responsible; change of location or termination of operation; addition to or reduction of indoor or outdoor space; change of directors which involves the person charges with operational management as well as the person (if different) responsible for supervision of the educational program; changes in ages or increases in numbers of children in care which affect grouping or staff requirements; change in hours of operation which would affect staff requirements of program.

7. ADMISSION POLICIES AND PROCEDURES TO A DAY CARE FACILITY MUST BE NONDISCRIMINATORY, AND ASSURE INITIAL AND CONTINUING COMMUNICATION BETWEEN THE FAMILY AND THE FACILITY TO ASSURE COMPATIBILITY IN THEIR MUTUAL RESPONSIBILITY FOR THE CHILD'S WELFARE.

REASON: The child's primary tie is to his family and communication is essential if the caregiver is to supplement the care the family can provide with sufficient consistency in approach

to give the child emotional security. The procedures followed in admitting the child are important because initial separation is often a crucial experience for the child and for the mother.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The written admission policies include a statement that the facility is operated on a nondiscriminatory basis, and the practice of this policy is demonstrated through according equal treatment and access to services without regard to race, color, religion, national origin, ancestry, or sex. No otherwise eligible child is excluded on the basis of these characteristics, except as indicated below:

   (1) A nonprofit facility established to serve an identified group may serve children of this group, but shall not discriminate within the group on the basis of race, color, religion, national origin, or ancestry.

   (2) A religious group may elect to serve children of a particular religious faith, but may not discriminate within the group on the basis of race, color, national origin, ancestry, or sex.

b. There is a plan for admission of the child to the group that will allow for gradual orientation of the child to the program.

It is recommended that day care staff and the child's parents make a plan for the beginning period in accordance with the age, maturity, and previous experiences of the child. Arrangements should be made for the child to visit the facility with his parents(s) before admission in order for him to become familiar with the surroundings, the group, and the person who will be caring for him. When the child is admitted, it is desirable for the parent to stay until the child is able to remain there alone.

c. There is a plan for initial and continuing relationship between the facility and the families served, which enables the caregiver to see the child prior to admission and for caregiver and parent to share in evaluating whether the child is ready to benefit from the program and should be admitted. The plan must enable the caregiver and the parents to exchange information about the child and plan together so that his needs may be met insofar as possible, there may be consistency in his care, and parent(s) will know what to expect from the program.

8. WHEN TRANSPORTATION IS PROVIDED BY A DAY CARE FACILITY CHILDREN MUST BE PROTECTED BY ADEQUATE PROVISION FOR STAFF SUPERVISION, SAFETY PRECAUTIONS, AND PROVISION FOR LIABILITY AND MEDICAL INSURANCE.

REASON: A number of young children, particularly when it includes infants and toddlers, traveling together in cars or busses, presents a special hazard which is different than that of school children or of the normal passenger traffic which was

considered in the development of protective laws concerning transportation in most states. It is therefore important to require additional provisions for their safety appropriate to the age and development of children receiving care.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied when:

a. If transportation is provided for more than five children under the age of five, there is an assistant for the children while en route.

b. If infants or toddlers are transported, there is a minimum of two adults.

c. Each child transported has a seat and remains seated while the bus or car is in motion.

d. Children are protected by liability and medical insurance.

e. A preschool child is not left unattended at time of pickup or delivery.

f. There is a plan for orientation to the transportation experience for young children.

In addition to other relevant state laws, it is desirable that the driver have training and orientation in work with children.

B. Program Requirements

DEFINITION - Program is the comprehensive and coordinated sets of activities providing for care, protection, and development of infants, pre-school, and school-age children on a regular basis during any portion of a 24-hour day.

1. THE PROGRAM CONDUCTED IN A DAY CARE FACILITY SHALL PROVIDE AGE-RELATED EXPERIENCES THAT WILL PROMOTE THE PHYSICAL, EMOTIONAL, SOCIAL AND INTELLECTUAL GROWTH AND WELL-BEING OF CHILDREN. THE INTERACTION BETWEEN ADULTS AND CHILDREN SHALL PROVIDE AN ACTIVE, RATHER THAN A PASSIVE LEARNING SITUATION, AND PROMOTE THE DEVELOPMENT OF SKILLS AND SOCIAL COMPETENCE BASED ON ENHANCED SELF-ESTEEM AND POSITIVE SELF-IDENTITY.

REASON: A child learns more quickly when he has an opportunity to participate actively, seeing, touching, talking, and testing as he learns. It is therefore essential to devise ways to involve the child physically and verbally in planned learning activities rather than limiting his participation to listening or watching.

Learning of self-help skills and helping adults perform necessary tasks provides the situation for individual attention from an adult which is easily

lost in a group situation, where it is often easier to "do for" children than to let them "do for" themselves.

Care must be taken to provide sources of imitative and active learning. The gratification of success the child receives from it will contribute to his building sense of personal competence.

Every child needs to feel that he is something special and to have this confirmed by the way caregivers treat him. In a large group situation care must be taken to address the child directly, using his name. "Turns" which belong to him and will be remembered and respected, and a "place" and "things" that are his (i.e., a regular place at the table, a place to store his belongings, his own chair, or symbol or cup) are equally important. The child's family, language and culture are also a part of him and he feels that these, too, are good and acceptable if he sees his family treated with warmth and respect; if his names are pronounced as his family uses them (to substitute a more "pronouncable" name deprives the child of something that is part of his developing

sense of identity); if at least some of the adults in the program talk and look as he does; and if at times the food he eats at home and the way he does things at home are incorporated into the program's activities. All of these approaches help to confirm the value of what he already has, along with the value of things he encounters which are new to him.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if the licensing representative has been able to observe the program in operation, and approves the program based on the criteria below. A facility may operate on a provisional license until the licensing inspection for programming has been completed:

a. There are opportunities during the day when the child can help, such as getting ready for snacks or meals, getting out or putting away materials, taking care of his own clothing,

b. Active play is encouraged, and opportunities are provided for conversations, for handling different types of equipment, and for diversity of experience during the day.

c. There are ways in which a child is recognized as an individual, such as having his chair or place at the table marked, his hook or drawer or other place to store his belongings marked, and his personal privacy is respected.

d. In those programs where children served represent more than one cultural background or more than one primary language, there are staff members representing similar background wherever practical. In very small programs or proprietary centers using family staff there are arrangements made to bring in persons from the child's family or his cultural community to conduct activities with the children. Wherever a bilingual program is indicated, it is developed. The child's names are used as his family uses them. The food the child is accustomed to is incorporated into the menu, along with foods which are new to him. Center decorations and celebrations of holidays or family types of celebrations in the facility represent the cultural diversity of the children.

e. The children's behavior is regulated by the setting of clear-cut limits which are consistently applied. Caregivers do not use corporal punishment or any other technique which is humiliating, shaming, or frightening to children. Punishment is not associated with food, rest, toilet training or isolation for illness.

f. The program includes numerous firsthand experiences for children to learn about the world in which they live, and opportunities are provided to obtain information by visiting places of interest in the community.

g. There are many opportunities for children to widen language skills, both speaking and listening, by spontaneous conversation in a variety of situations and by having regular exposure to books.

h. There is evidence that the caregiver has sought parents' suggestions concerning those factors important to them in the development of their children and that these have been incorporated into the program.

i. A statement of program goals which has been developed jointly by the parent advisory group, board, or management of the day care facility, should be included in the review of the program as additional criteria of acceptable performance.

2. A DAILY SCHEDULE MUST BE ESTABLISHED FOR EACH GROUP OF CHILDREN IN CARE WHICH WILL PROVIDE REGULARITY IN THE ROUTINES OF PROVIDING PHYSICAL CARE. WITHIN THIS FRAMEWORK, IT MUST ALSO PROVIDE A BALANCE OF OPPORTUNITIES FOR QUIET AND ACTIVE PLAY AS WELL AS GROUP AND INDIVIDUAL ACTIVITIES WHICH WILL PROMOTE PHYSICAL, EMOTIONAL, AND INTELLECTUAL DEVELOPMENT. THE ACTIVITY SCHEDULE SHOULD ALLOW SUFFICIENT FLEXIBILITY TO RESPOND TO INDIVIDUAL DIFFERENCES IN CHILDREN'S NEEDS AND INTERESTS.

REASON: Following a regular schedule enables children to anticipate what is coming next, and this contributes to their sense of security as well as to the development of a time orientation which underlies their ability to apply cause and effect reasoning.

Participation in a group and exposure to an environment very different from the home can be overwhelming to a young child. A day care facility with many children must, therefore, take greater precautions than would be necessary for a small facility, to provide a range of opportunities for the child to "let off steam," to be creative, to rest, or to engage in an individual activity.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if the licensing representative has been able to observe the program in operation, and approves the program based on the criteria below. A facility may operate on a provisional license until the licensing inspection for programming has been completed:

a. There is a regular schedule of physical routines--meals, snacks, naps, and provision is made for children's toileting according to individual need.

b. The schedule includes a period of vigorous play, outdoor if weather permits, indoor if weather is bad.

c. A nap period is provided for children who need it, and a period for rest and quiet play for children unable to sleep.

d. Children are not required at all times to move from one activity to another as a group, and the schedule is implemented with sufficient flexibility to respond to individual needs of children.

3. A DAY CARE FACILITY MUST HAVE SUFFICIENT INDOOR AND OUTDOOR SPACE AND EQUIPMENT IN RELATIONSHIP TO THE NUMBER AND AGES OF CHILDREN IN CARE TO ACCOMMODATE THE FULL RANGE OF DEVELOPMENTAL NEEDS OF CHILDREN, PARTICULARLY THOSE NEEDS MOST AFFECTED BY SPACE LIMITATIONS SUCH AS PHYSICAL DEVELOPMENT.

REASON: Adequate unobstructed space is necessary to provide safe opportunity for vigorous activity required for large muscle development, and this type of activity must be possible indoors if weather frequently restricts use of outdoor space. In addition, sufficient space is necessary to accommodate necessary furniture, particularly sleeping equipment when in use, without blocking access to exits and thereby creating a hazardous situation.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The facility has a minimum of 35 square feet per child of indoor space, exclusive of floor area devoted to fixed equipment or support functions such as kitchens, offices, etc., as well as 75 square feet per child of outdoor play space, AND the equipment and furniture

arrangement permits unobstructed floor area sufficient to allow vigorous play appropriate for each group of children in care, as well as arrangement of sleeping equipment which permits easy access to every child and unobstructed exits,

or

b. The facility obtains approval from the licensing agent of an individual space use plan related to program if special conditions warrant a variance from the minimum standard above stated. Special conditions warranting exception would include circumstances such as:

(1) Limited outdoor space offset by a greater amount of indoor space, such as a gym, permitting an equivalent activity program;

(2) Limited indoor space offset by sheltered outdoor space where climate permits reliance on outdoor space for activities normally conducted indoors;

(3) Scheduling for serial use of limited space or equipment provided the availability to each group of children is not unreasonably short;

(4) Part day programs which can demonstrate that children can reasonably be expected to have naps or rest periods, or opportunity for physically active play, when not at the day care facility, if these or other developmental needs are not provided for in the daily program.

If the second option is used, the license should indicate the allowed exception on facility or equipment.

4. THE AMOUNT AND VARIETY OF MATERIALS AND EQUIPMENT AVAILABLE, AND ITS ORGANIZATION AND USE, MUST BE APPROPRIATE TO THE DEVELOPMENTAL NEEDS OF THE CHILDREN IN CARE.

REASON: The setting in which day care is offered, which includes the facility and grounds, the equipment and materials, and its organization, combine to make a significant contribution to the ability of the staff to carry on a lively and strong program. The quality of the program does not depend on the availability of expensive commercial equipment, but can utilize many common objects and nature itself. However, providing a good learning environment for children does depend on planning so that whatever equipment or materials they have access to will capture their interest and provide them with a variety of experiences appropriate to their particular stage of development. The selection and use of the materials needs to stimulate cooperative play and social experiences as well as to foster the ability to make choices and to implement the choices, thereby developing initiative and independence.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if the licensing representative has been able to observe the program in operation, and approved the selection, organization and use of equipment and space based on the criteria below. A facility may operate on a provisional license until the licensing inspection for program requirements has been completed:

a. Quantity is sufficient for the needs of the total group, while providing a variety of experience for each child. Enough of the same kind of equipment is available to avoid excessive competition for toys or long waits.

b. Adaptability is emphasized if equipment budgets are limited so that toys selected have many uses.

c. Developmental stages of the children in care are considered in the selection and placement of materials.

d. Supervision level required for equipment is balanced and some equipment is included which can be safely used with minimal supervision.

e. Variety includes equipment with special appeal to both boys and girls. It is recommended that the selection provide opportunities for quiet play alone or in groups; dramatic play, creative art experiences; work oriented

experiences; language and communication experiences; music and rhythm; natural science experiences, including living things.

f. Durable, safe furniture is selected, child sized or appropriately adapted for children's use.

g. Organization of space and equipment provides protected areas where adults and children do not have to pass through frequently and where materials can be used with minimal interference and interruption. Storage of most toys is accessible to children, orderly and attractive, and organized so children can assist in taking out or putting away materials. Materials used together are located in the same storage area.

5. A DAY CARE FACILITY MUST HAVE SUFFICIENT AREA AND APPROPRIATE FURNITURE AND EQUIPMENT TO PROVIDE FOR ALL SUPPORT FUNCTIONS NECESSARY TO THE PROGRAM FOR CHILDREN AND TO PROVIDE FOR THE REASONABLE COMFORT AND CONVENIENCE OF STAFF AND PARENTS.

REASON: Adult time and attention available to children can be maximized if storage is convenient to the area of use and if sufficient equipment, conveniently arranged, is available for food preparation, laundry and housekeeping tasks so that these functions can be performed without cutting into time which would otherwise be spent more directly with the children. Good administration depends on the

availability of space for convenient record storage, for private conversation to air matters which should have confidentiality, and comfortable furniture and space for adults to use in staff meetings, planning sessions or for parent and staff conversation. Failure to consider these needs in facility planning can result in program deficiencies such as an absence of parental involvement because the parent feels in the way, equipment unused because getting it out and putting it away consumes too much time and energy, lack of planning because there is no place to meet, poor housekeeping because cleaning equipment is not readily available.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if the licensing representative evaluates that appropriate provision has been made to provide the following:

a. The facility has appropriate storage and work area, as well as necessary equipment and furnishings, to accommodate the following functions if these are conducted on the premises:

(3) Food preparation and serving

(4) Custodial services

(5) Laundry

(6) Administrative (office functions, records storage, meeting space for staff or for parent conferences offering privacy of conversation)

(7) Rest area for staff relief periods

(8) Reserve or inactive storage of program materials

b. Carrying distance has been minimized through provision of storage for materials adjacent to the area in which they will be used whenever possible.

c. Reasonable comfort is provided both staff and children through adequate heating and ventilation of indoor area, and provision for shade in outdoor areas. Adult size chairs or benches are available for staff or parents. Rocking chairs are recommended.

d. A separate staff bathroom is not required provided that privacy is available through a locking door in a single toilet bathroom, or enclosure in a booth of at least one toilet in a multiple toilet bathroom.

6. A DAY CARE FACILITY SERVING SCHOOL-AGE CHILDREN MUST SUPPLEMENT AND AUGMENT, BUT NOT DUPLICATE, THE CHILD'S ACTIVITIES AT SCHOOL AND AT HOME. THESE ACTIVITIES MUST BE IN HARMONY WITH HIS FAMILY'S LIFE STYLE AND CULTURAL BACKGROUND ENABLING THE INDIVIDUAL TO DEVELOP HIS SENSE OF INDEPENDENCE, SENSE OF RESPONSIBILITY, SENSE OF IDENTITY AND OF MASTERING THE SKILLS OF PROBLEM SOLVING, AND LET HIM ACHIEVE A PLACE AMONG HIS PEERS IN HIS OWN NEIGHBORHOOD.

REASON: It is essential that a school age child whose parents work has a substitute adult who offers the attention, understanding and concern appropriate to his age and stage of development.

In order to make it possible for a child to develop a rounded personality and to become a responsible individual who can cope successfully with life, various opportunities are essential. It is generally recognized that the latency years are a crucial period for the development of skills and special interests. Furthermore, the mastery of skills, be it in sports, music or art, enhances self-esteem and provides outlets for energies.

Increasing independence and the opportunity to take genuine responsibility for self-direction are key elements in learning to cope. Overprotection, or standards that are sharply at variance with family

and neighborhood custom cause conflict and stress for the child, and may actually inhibit learning.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. There is observable evidence that children are developing interests and skills through (1) participation in special interest groups in the facility, or through individual pursuit of crafts, sewing, cooking, art, music, etc., where a skilled adult--possibly a volunteer--is helping, or through their own efforts, or (2) attendance in classes or clubs held in other locations in the community.

b. It can be observed that the children go to school on their own in accordance with neighborhood standards.

c. Children have regular chores of an age-appropriate nature that they are expected to perform, and, where feasible, older children have a chance to earn money, either within the facility or in the community.

d. Children have a chance occasionally or regularly to engage in activities outside the facility which may be simply riding a bike or roller skating around the block, or playing with neighborhood children in the school playground.

e. There is evidence not only that there are clearly understood rules, but that the children have the opportunity to participate in making them and can verbally express objections to them. This might be evaluated by the licensing agent through discussion with the children, or through case records that quote

children's remarks or through anecdotes told by the adults responsible for supervision.

7. A DAY CARE FACILITY SERVING <u>INFANTS AND TODDLERS</u> MUST PROVIDE AN ENVIRONMENT WHICH PROTECTS THE CHILDREN FROM PHYSICAL HARM BUT IS NOT SO RESTRICTIVE AS TO INHIBIT THEIR DEVELOPMENT OF PHYSICAL AND VERBAL SKILLS.

DEFINITIONS: <u>Infant</u>: From a medical and statistical standpoint, an infant is defined as a child under 12 months of age. From a practical standpoint in a day care setting, it would seem more appropriate to define an infant as a child who is not yet walking alone in an upright position. This would give an age range for the end of infancy and the beginning of "toddlerhood" from 8 months to 18 months of age, with the median around 13 months.

<u>Toddler</u>: Toddlers, therefore, might be defined as children who are walking alone, but are not yet capable of exerting "judgment" about their own actions--and would include all children from the age of first walking to about 24-30 months.

REASON: These very young children require special care, protection and attention, but are vastly more competent in many areas of cognitive, visual, auditory, and emotional development than many people comprehend. Programs planned for them in any setting, including their own homes, should be designed to meet individual needs but also to

maximize each child's capacity to develop physical skills, to explore, to learn to talk, to form comfortable relationships with adults and other children, and to gradually learn the limits within which he is able to function.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. There is an area protected from general walkways within the facility where crawling infants can be on the floor at least part of the day to explore.

b. There is a sleep room or area for infants separate from other children, but infants are allowed to be with older children during part of the day.

c. There are cribs for all who are not yet able to "pull-up" but no child is left alone in a crib when awake, unless there is adult supervision within visual range, and adequate toys and materials are provided in the crib for his learning experience (apart from toys which are a fixed part of the crib wall). At no time is a child left in a crib while awake longer than 1/2 hour.

d. Infants who have learned to "pull-up" in a crib are changed to a low cot for naps.

e. Adults and teenagers talk <u>to</u> the infant, not <u>at</u> or <u>above</u> him, and there is frequent verbal communication between adult and infant.

f. Infants and toddlers are provided with a diversity of visual, auditory, and tactile experiences (e.g., toys of different texture, pots and pans, low climbing bars and furniture, soft carpets, records, singing, books to look at).

g. Children are allowed some quiet and privacy during the day when they can explore and learn on their own.

8. A DAY CARE FACILITY OFFERING <u>NIGHT CARE OR SHIFT CARE</u> MUST DEVELOP A SET OF PLANS FOR STAFF USE, EQUIPMENT AND SPACE USAGE, AND PROGRAM MODIFICATIONS FOR THAT ASPECT OF THEIR SERVICE, WHICH WILL PROVIDE APPROPRIATELY FOR THE PERSONAL SAFETY AS WELL AS FOR THE EMOTIONAL AND PHYSICAL CARE NEEDS OF CHILDREN AWAY FROM THEIR FAMILIES AT NIGHT.

REASON: Staff use may need to be enriched to provide for bathing and dressing of children for bed as well as to provide extra individual attention to children who are tired and may be more anxious about separation than they would be left for a similar period during daytime hours. The passive program during sleeping hours will require only that staff be within listening distance of children and sufficient to respond to emergencies, and to the needs of children requiring physical care or feeding at night. Facilities for bathing children should be provided, if possible, in this kind of program.

Whereas children sleep in their play clothing with a simple covering in daytime care, night sleeping should have appropriate complete bedding and sleeping garments. Rooms which are not on the ground floor or do not have outside exits may be used by active, older children during waking hours but may not be appropriate for night time sleeping because of the difference in arousing a child from a deep sleep in such an emergency as fire. If such rooms are allowed for use, an additional requirement of staff should be considered based on the circumstances of a particular facility. Disturbing a child during sleep is not desirable so provision should be made for children to be brought before bedtime or to be picked up after their normal waking time, particularly if they utilize night care on a regular basis.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The staff-use plan provides a high interaction level of staffing during dinner and the pre-bedtime hours as well as during the morning period when children are getting dressed and having breakfast. The staffing during the sleeping hours is sufficient to provide an adult within listening distance of any sleeping area used, and sufficient to respond to an

emergency, and to provide for the needs of children requiring physical care or feeding at night. (See requirements under Fire standards.) Different shifts of personnel must be employed as appropriate to protect caregivers from overfatigue.

b. Bathing facilities are provided.

c. Comfortable beds, complete bedding, and night clothes are available.

d. Special attention is given by the family and the caregiver to providing for a transition into this type of care appropriate to the child's emotional needs.

e. An effort is made to arrange for children to be left for care or picked up either before or after their normal sleeping period.

f. A selection of toys for quiet activities which can be used with minimal adult supervision is available for use by the child during periods when he is waiting for adult assistance, or for his turn for individual attention.

9. A DAY CARE FACILITY OFFERING "<u>DROP-IN</u>" CARE MUST PROVIDE A REASONABLE PLAN WHEREBY NUMBERS OF STAFF COULD BE ADJUSTED ON SHORT NOTICE, AND FACILITIES WHICH HAVE A HIGH TURNOVER IN ENROLLMENT MUST EMPLOY MORE STAFF IN REFERENCE TO THE NUMBER OF CHILDREN ATTENDING THAN IS REQUIRED OF FACILITIES WITH STABLE ATTENDANCE. IF A FACILITY SERVES BOTH "DROP-IN" CHILDREN AND CHILDREN WHO ATTEND REGULARLY, THE GROUPING OF CHILDREN AND THE PROGRAM MUST BE PLANNED SO THAT THE NEEDS OF BOTH GROUPS CAN BE ADEQUATELY MET.

REASON: Providing an equivalent level of care requires more staff in a facility with high turnover than in a facility with a stable enrollment, as each new child must have the same emergency information recorded before admission, and each new child will require the extra attention needed until he achieves a sense of security in the new surroundings and is instructed in the use of equipment and in the daily routines and program activities. In addition, maintaining an adequate level of staff will require greater than usual attention to having a reserve of personnel, who have received health and other clearances and sufficient orientation to be effective workers, who can be summoned on short notice and for short periods of time. Without such advance planning the center is likely to operate in a continuous state of "temporary emergency" conditions to the detriment of the welfare of children.

In a facility providing only drop-in care (such as in a shopping center or bowling alley) program modifications can be appropriately limited to the provision of an enriching short term experience. Equipment can be selected which can be used with very

limited instruction, and projects limited to those which do not require several stages of development. For children receiving long range care, however, both program activities and use of equipment and materials need to provide a progression of experience from simple to the more complex. Separate grouping and program planning may be necessary to achieve an appropriate experience for both types of enrollees and the adequacy of the program planning will have to be evaluated on this basis.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Facilities offering drop-in service or with a high turnover in attendance draw up a staff-use plan, satisfactory to the licensing agent. The plan must provide for an appropriate increase in administrative or clerical personnel in relation to the anticipated requirement of handling admission records, irregular check-in and check-out times, explaining policies including financial arrangements with families, and managing bookwork for short term intermittent enrollment. It must provide for a higher ratio of staff to children than the requirement for stable centers, the exact ratio by the licensing agent based on the extent of turnover expected, the age of children accepted, and the availability of persons who could be called in on

short notice. The planning for additional personnel to help children displaying unusual anxiety symptoms at separation or to handle a sharp increase in enrollment must be formalized to the extent that such reserve staff has been screened in the same way as regular staff and has been provided with orientation to the program and its policies.

b. There is a systematic procedure for admittance of children securing permission for handling of emergency care and information on the child and his family or alternate adults and how they could be contacted. Admittance procedure includes a plan for a period of individual attention to the child to acquaint him with the facility, its equipment, and the people who can assist him.

c. Equipment and materials have been selected which are easy to manage and carefully packaged for handy storage. Climbing and play equipment is safe and simple so that it needs a minimum of instruction for use by children. Space use provides a visual range over all areas of play in anticipation of some need for extra precaution because the children are unfamiliar with the situation. Activities are planned which children can participate in fully without much preliminary explanation or practice.

d. When a facility provides for both a steady enrollment and the drop-in child, separate grouping or areas as well as separate activity planning is evident to provide the type of program experience described in (c) for short term children without sacrificing a long term developmental program for other children enrolled.

c. Staffing

1. A DAY CARE FACILITY MUST HAVE SUFFICIENT STAFF TO RESPOND QUICKLY TO AN ACTIVE CHILD ABOUT TO HURT HIMSELF OR ANOTHER, AND TO PROVIDE CONTINUOUS SUPERVISION TO A GROUP WITH PROVISION TO RESPOND TO AN EMERGENCY REQUIRING TEMPORARY ABSENCE FROM THE GROUP.

REASON: Protecting very young children requires anticipation of their needs, including provision for any foreseeable emergency situations. Staff caring for children of toddler age must be in a position to respond physically to ward off possible accidents since active children of this age cannot be relied on to respond to voice commands.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. In a family day care home, the caregiver limits the numbers of infants and toddlers cared for to the number that could be carried in case it was necessary to evacuate the building.

and

b. Arranges the daily schedule so that toddlers are provided with an activity requiring minimal supervision during periods of time when it is necessary for the caregiver to be engaged in activities such as bathing or feeding an infant which would prevent quick movement to avert an accident.

and

c. The caregiver presents evidence that a telephone is available and that a plan has been worked out whereby a second adult could be quickly summoned to be available to assist in an emergency.

d. In a facility caring for more than six children, at least two staff members are available at all times the center is open to children in care.

e. Sub-groups of children within the facility combine children so is most appropriate so that two staff persons may be assigned to work with each group, or, if a person is assigned to work alone with a group of children, it should be possible to summon another adult for assistance without having to leave the group

and

f. The facility has worked out a plan for evacuation of children in case of fire or other disaster (see standards under "Fire" and "Health and Sanitation").

2. A DAY CARE FACILITY SHALL PROVIDE ALL NECESSARY SUPPORTIVE SERVICES AT TIMES AND IN A MANNER WHICH WILL NOT DETRACT FROM THE ATTENTION TO CHILDREN. UTILIZATION OF SALARIED STAFF IN A DAY CARE FACILITY MUST INCLUDE TIME FOR STAFF REST, PLANNING, TRAINING, OR CONTACT WITH PARENTS WITHIN PAID WORKING HOURS.

REASON: When day care is offered in centers for groups of 13 or more children, it tends to become less personalized, and it is important that the contact with parents be maintained through assignment

of specific times for this purpose. Likewise, the importance of upgrading staff skills, in staff consultation and planning, needs to be recognized by a place within the working schedule. It is unlikely to take place if relegated to a volunteer effort to be carried out with energy left over after a full working day. Working with children requires spontaneity which can be maintained only if staff are able to have periodic rest and relief.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. In a day care facility with only one or two staff persons, some space providing equipment requiring minimal supervision and convenient visual supervision must be available for use during periods when adult attention must be divided, and advantage taken of children's rest and quiet periods for physical relief for the caregiver.

b In a day care facility with more staff, relief periods must be included in the daily schedule. Staff with direct contact with children must have hours assigned which will permit them to meet and talk to parents who come to the center with their children, or must have assigned working hours within which to make home visits. Appropriate provision must be made for supervision of children during hours when parent-staff conversation may be expected to divert staff attention. The staffing of a

facility must include sufficient staff to provide all necessary support functions exclusive of staff whose responsibility at any given time is direct supervision of children.

3. A DAY CARE FACILITY MUST HAVE SUFFICIENT STAFF TO PROVIDE FOR EACH CHILD'S PHYSICAL CARE, AND TO OFFER INDIVIDUAL ATTENTION TO CHILDREN AS IT MAY BE NEEDED AS WELL AS TIME TO INTERACT WITH CHILDREN FOR THE BENEFIT OF THEIR CONCEPTUAL AND LANGUAGE GROWTH. THE NUMBER OF STAFF AND THEIR UTILIZATION SHOULD REFLECT PROGRAMMATIC REQUIREMENTS, DIFFERENCES IN THE NEEDS OF THE CHILDREN SERVED, AND SHOULD PERMIT FLEXIBLE GROUPINGS.

REASON: To provide individual attention to each child and verbal interaction sufficient for language and conceptual growth, it is important to have staff time for full attention to children, over and beyond the level required to provide for their physical needs. The same level of interaction is not necessary throughout the day, and utilization of staff needs to be related to the activity level of children. Although guidelines for staff ratios are conveniently stated in age groupings, vertical groupings are equally acceptable and offer some age-interaction benefits. Staffing requirements are

determined by program, special needs of children, the experience level of staff, and facility variables and an adequate staffing plan must be evaluated in these terms.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. For a day care facility serving less than 13 children, with only one or two staff persons available who must provide both child supervision and support services, the total number of children in care at any one time is limited to reflect this dual responsibility. A daily time use plan must be approved by the licensing representative which includes time periods when the adult will be giving full attention to children and indicates a supervision plan for time periods when attention will be divided to allow for meal preparation and similar responsibilities. The number of infants and toddlers, which place a heavy time demand on staff in the provision of physical care, must be limited, applying the following ratios:

Family day care home - One staff person may provide care for up to a total of six children, including the caregiver's own children under six, with no more than two children under the age of two.

Group day care homes or day care centers for less than 13 children - One staff person may provide for up to six children on the same basis as stated for family day care homes. Two staff persons may provide care for up to a total of 12 children, with no more than three children under the age of two.

b. A staffing plan related to the daily program has been prepared by any day care facility serving 13 or more children, for approval by the licensing representative. This plan must indicate sufficient staff to insure a high interaction level with children for at least six hours of the day. This period would include meal times, preparation for naps, and, with infants, feeding and bath times. It would also include whatever periods in the daily program have been planned for more structured learning activities or a greater amount of individual attention, as well as time for use of materials and equipment which require close supervision.

Ratios of day care staff to children which must be maintained during high interaction periods and during low interaction periods are given below:

Children of age:	High interaction periods	Low interaction periods
0 to 2	1 : 4	1 : 5
2 to 3	1 : 5	1 : 7
3 to 5	1 : 8	1 : 10
5 to 7	1 : 10	1 : 14
7 and over	1 : 12	1 : 18

or

c. When special staffing requirements are indicated because of the choice of cross age groupings, hours of operation which include night care, a high turnover in enrollment, part day attendance, facility limitations which place a special burden on staff, or other program variations which the facility or the licensing representative believe requires a special plan for staffing not covered by the formula for staff use above stated, the facility must prepare a staff-use plan related to program requirements and special child needs. This plan shall be evaluated and approved by the licensing representative on the basis that it provides a reasonable provision for the full range of developmental needs of children under whatever special circumstances apply.

If any exceptions are made to the numbers and ratios above stated, the exception and the reason for it must be stated on the license issued. Inexperience or physical disability of the caregiver, limitations of the facility, or special needs of the children in care, may be considered reasonable basis for requiring a lower number of children. Ordinarily the limitation on number of children under age two will be varied only to accommodate siblings.

4. CHILDREN IN LARGER CENTERS SHALL BE PROVIDED CARE IN SUB GROUPS WITH REGULAR STAFF ASSIGNED TO THE SUB GROUPS.

REASON: Communication between adult and child depends on being able to interpret behavior and respond appropriately. Very young children are less able to communicate their needs clearly and it is important for adults to know the children well enough to provide an understanding response. The younger the child the more important this principle becomes. Sub-groups with infants and toddlers should be small, with a limited number of staff providing for most of their needs. If a core of consistent staff is available to the child, however, it is not necessary to isolate the child or to limit care giving to only one person even with infants, who can respond to contact with many people with a beneficial effect.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. Children in a larger center are assigned to sub-groups with some staff who are available to them consistently. The sub-groups must be small enough to respond to his moods and actions as well as his words, with smaller subgroups with younger than with older children.

b. When volunteers are included in the regular staff, it must be on a pre-planned basis with volunteers treated as regular staff in terms of responsibility and compliance to the authority of the director and adherence to the policies of the facility. Appropriate supportive staff time must be planned for orientation and supervision of volunteers. The same applies to temporary, part-time or intermittently used paid staff. The licensing agent may disapprove any staffing plan which relies on volunteers to make up basic staff-child ratios unless there are sufficient paid staff available, or sufficient regular staff to have confidence that each group of children will have some staff to relate to who will be available to them consistently enough to develop a relationship of confidence and trust.

It is recommended that no center be over 75 total enrollment or the number at which the director could reasonably know every child and family enrolled by name.

D. Qualifications of Staff

1. ADMINISTRATOR: THE PERSON, ON-SITE, WITH RESPONSIBILITY FOR OPERATIONAL MANAGEMENT OF A DAY CARE FACILITY OF ANY SIZE MUST HAVE MANAGEMENT SKILLS NECESSARY TO HANDLE THE RECORDS AND FINANCES AND HUMAN RELATIONS SKILLS NECESSARY TO RELATE TO PARENTS AND COMMUNITY. IN A LARGER FACILITY HE MUST ALSO HAVE THE SKILLS TO SUPERVISE OTHER PERSONNEL.

REASON: The stability of day care is dependent on adequate provision for necessary supportive services. Lack of skill in providing efficiently for these services can seriously detract from necessary attention to the primary service to children.

SATISFACTORY COMPLIANCE - This item shall be deemed to have been satisfied if:

a. The person managing a facility serving from one to 12 children demonstrates necessary skill in handling finances and organizing and maintaining a routine record system, as well as human relations skills necessary to work with parents and community contacts, as evaluated by the licensing agent based on observation and discussion of the handling of these aspects of program.

b. The person managing a facility serving 13 to 30 children demonstrates skills in financial and record management, human relations skills in working with parents and supervising other staff, and knowledge of community resources as evidenced by the adequacy of written policies relating to administration and of the staff utilization plan he is responsible for, and from observation by the licensing agent of his attention to management details and his skills in human interaction.

or

c. Competency in program management has been evidenced by a positive evaluation from a supervisor in reference to previous work experience which involved supervision of other staff and administrative decision making.

d. The person providing on-site management of a facility serving 30 or more children demonstrates management ability by providing, from a previous supervisor, a positive reference relative to previous work experience which involved supervision of other staff and administrative decision making.

or

e. As evidenced by successful completion of academic course work in subjects related to administration and references from persons who have had opportunity to evaluate his ability to exercise leadership and responsibility through participation in a paid or unpaid capacity in such offices as community organization.

7. FUNCTIONAL SUPERVISOR: A DAY CARE CENTER OR AGENCY SHALL HAVE A PERSON OR PERSONS EMPLOYED BY WHOM OR AMONG WHOM CURRENT FUNCTIONS AND/OR JOB-RELATED RESPONSIBILITY IN THE AREAS OF SUPERVISION AND

[illegible]

a. The primary caregiver in a center serving from one to 12 children has a minimum of six semester hours of academic study or equivalent training in courses covering child development and curriculum resources for use with children,

or

has participated in supervised practice teaching or has previous paid work experience with children the same age level as those served in the day care facility with satisfactory references from previous work supervisors,

or

has access to and utilizes resource materials concerning the developmental needs of children and activities for them, and demonstrates a satisfactory level of skill in relating to children as evaluated by the licensing representative.

and

b. Unless the primary caregiver in the facility serving from one to 12 children has equivalent training to that of an educational supervisor outlined in (f) below, that he has access to and utilizes regular consultation from a person so qualified and demonstrates a willingness to engage in mutual learning situations as evidenced by a record of training or consultation received which is maintained at the facility, and by development of a resource file on child development needs and learning activities, or subscription to journals or membership and attendance at professional meetings of groups involved with childhood learning.

c. The educational supervisor working on-site in a facility serving from 13 to 30 children must have a minimum of six semester hours of academic study or equivalent training in courses covering child development and curriculum resources for use with children,

and

must have participated in supervised practice teaching or in paid work experience with children of the same age level as those served in the day care facility with satisfactory references from previous work supervisors,

or

the educational supervisor must have had one year or more of previous teaching experience with responsibility which included curriculum planning and supervision of other staff in a facility supervised by a person qualified as in (f) below, as evidenced by satisfactory recommendations from previous work supervisors.

and

d. Unless the educational supervisor working on-site in a facility serving from 13 to 30 children has equivalent training to that of an educational supervisor outlined in (f) below, the facility must arrange for regular consultation and training on a part-time, consulting, or contractual basis from a person or persons so qualified, and outline a plan for upgrading of staff qualifications and assistance with program planning acceptable to the licensing representative.

e. The person serving as educational supervisor in a facility serving over 30 children, if other than the director, is given authority as needed to oversee other staff in reference to the implementation of program and providing related staff training, and is free of direct child-care responsibilities for at least a portion of each day in order to assist other staff with program planning and the skills of working with children.

f. The person serving as educational supervisor in a facility serving over 30 children has completed a minimum of 12 semester hours of academic study or equivalent training in such courses as child growth and development, curriculum development, infant care, language development, family relations,

and

has participated in supervised practice teaching with children of the same age level as those being served in the day care facility, or has previous paid work experience with children and satisfactory references from previous work supervisors.

or

g. The person has a combination of course work or self-study, and paid or unpaid experience in teaching and in activities which required training or supervision of other adults, from which background he can present reasonable evidence that he has the background equivalent to someone qualified as in (f) above, which is satisfactory to the licensing representative. If this option is utilized, at least two references must be obtained from unrelated persons qualified as in (f) above, who state that they have interviewed or observed the person working with children and find him competent in the required skills and knowledgeable concerning developmental needs of children.